

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 92**

A bill to amend 1965 PA 203, entitled
"Commission on law enforcement standards act,"
by amending sections 1, 2, 3, 5, 6, 7, 9, 9a, 9b, 9c, 9d, 10, 11,
12, 13, and 14 (MCL 28.601, 28.602, 28.603, 28.605, 28.606, 28.607,
28.609, 28.609a, 28.609b, 28.609c, 28.609d, 28.610, 28.611, 28.612,
28.613, and 28.614), sections 1, 3, 5, 6, 7, 11, 12, and 14 as
amended and sections 9a, 9b, 9c, and 9d as added by 1998 PA 237,
section 2 as amended by 2013 PA 170, section 9 as amended by 2005
PA 239, and section 10 as amended by 2010 PA 67; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 1. This act shall be known and may be cited as the
2 **"MICHIGAN** commission on law enforcement standards act".
3 Sec. 2. As used in this act:

~~1 (a) "Certificate" means a numbered document issued by the
2 commission to a person who has received certification under this
3 act.~~

~~4 (b) "Certification" means any of the following:~~

~~5 (i) A determination by the commission that a person meets the
6 law enforcement officer minimum standards to be employed as a
7 commission certified law enforcement officer and that the person is
8 authorized under this act to be employed as a law enforcement
9 officer.~~

~~10 (ii) A determination by the commission that a person was
11 employed as a law enforcement officer before January 1, 1977 and
12 that the person is authorized under this act to be employed as a
13 law enforcement officer.~~

~~14 (iii) A determination by the commission that a person
15 satisfies the requirements set forth in a recommendation of the
16 commission to and approved by the legislature on the feasibility of
17 interstate reciprocity of certification of everyone that was
18 employed as a law enforcement officer of another state within the
19 previous 12 months, and that state maintains standards
20 substantially similar to law enforcement officer minimum standards.~~

21 (A) "ADJUDICATION OF GUILT" MEANS ANY OF THE FOLLOWING:

**22 (i) ENTRY OF A JUDGMENT OR VERDICT OF GUILTY, OR GUILTY BUT
23 MENTALLY ILL, FOLLOWING A TRIAL.**

24 (ii) ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE.

**25 (iii) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
26 SUBPARAGRAPH (i) OR (ii) , IN CONJUNCTION WITH AN ORDER ENTERED
27 UNDER SECTION 1 OF CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE,**

1 1927 PA 175, MCL 771.1, OR ANY OTHER ORDER DELAYING SENTENCE.

2 (iv) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
3 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH AN ASSIGNMENT TO THE
4 STATUS OF YOUTHFUL TRAINEE UNDER THE HOLMES YOUTHFUL TRAINEE ACT,
5 AS PROVIDED IN SECTION 11 OF CHAPTER II OF THE CODE OF CRIMINAL
6 PROCEDURE, 1927 PA 175, MCL 762.11.

7 (v) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
8 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH PROBATION UNDER
9 SECTION 7411 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7411.

10 (vi) ENTRY OF ANY OF THE ADJUDICATIONS SPECIFIED IN
11 SUBPARAGRAPH (i) OR (ii), IN CONJUNCTION WITH PROBATION UNDER
12 SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA
13 175, MCL 769.4A.

14 (B) ~~(e)~~ "Commission" means the MICHIGAN commission on law
15 enforcement standards created in ~~section 3.~~ **THIS ACT OR, BY EXPRESS**
16 **DELEGATION OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS,**
17 **ITS EXECUTIVE DIRECTOR AND STAFF.**

18 (C) ~~(d)~~ "Contested case" means that term as defined in section
19 3 of the administrative procedures act of 1969, 1969 PA 306, MCL
20 24.203.

21 (D) ~~(e)~~ "Executive director" means the executive director of
22 the commission appointed under ~~section 12.~~ **THIS ACT.**

23 ~~—— (f) "Felony" means a violation of a penal law of this state or~~
24 ~~another state that is either of the following:~~

25 ~~—— (i) Punishable by a term of imprisonment greater than 1 year.~~

26 ~~—— (ii) Expressly designated a felony by statute.~~

27 ~~—— (g) "Fund" means the law enforcement officers training fund~~

~~created in section 13.~~

~~———— (h) "Law enforcement officer minimum standards" means standards established by the commission under this act that a person must meet to be eligible for certification under section 9a(1).~~

~~———— (i) "Law enforcement officer of a Michigan Indian tribal police force" means a regularly employed member of a police force of a Michigan Indian tribe who was appointed under former 25 CFR 12.100 to 12.103.~~

~~———— (j) "Michigan Indian tribe" means a federally recognized Indian tribe that has trust lands located within this state.~~

~~———— (k) "Multicounty metropolitan district" means an entity authorized and established by state law by 2 or more counties with a combined population of not less than 3,000,000, for the purpose of cooperative planning, promoting, acquiring, constructing, owning, developing, maintaining, or operating parks.~~

~~———— (l) "Police officer" or "law enforcement officer" means, unless the context requires otherwise, any of the following:~~

~~———— (i) A regularly employed member of a law enforcement agency authorized and established by law, including common law, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state. Police officer or law enforcement officer does not include a person serving solely because he or she occupies any other office or position.~~

~~———— (ii) A law enforcement officer of a Michigan Indian tribal police force, subject to the limitations set forth in section 9(7).~~

~~(iii) The sergeant at arms or any assistant sergeant at arms of either house of the legislature who is commissioned as a police officer by that respective house of the legislature as provided by the legislative sergeant at arms police powers act, 2001 PA 185, MCL 4.381 to 4.382.~~

~~(iv) A law enforcement officer of a multicounty metropolitan district, subject to the limitations of section 9(8).~~

~~(v) A county prosecuting attorney's investigator sworn and fully empowered by the sheriff of that county.~~

~~(vi) A fire arson investigator from a fire department within a village, city, township, or county who is sworn and fully empowered by the chief of police of that village, city, township, or county.~~

(E) "LAW ENFORCEMENT AGENCY" MEANS AN ENTITY THAT IS ESTABLISHED AND MAINTAINED IN ACCORDANCE WITH THE LAWS OF THIS STATE AND IS AUTHORIZED BY THE LAWS OF THIS STATE TO APPOINT OR EMPLOY LAW ENFORCEMENT OFFICERS.

(F) "LAW ENFORCEMENT OFFICER" MEANS:

(i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), AN INDIVIDUAL EMPLOYED BY A LAW ENFORCEMENT AGENCY AS 1 OR MORE OF THE FOLLOWING:

(A) AN INDIVIDUAL AUTHORIZED BY LAW, INCLUDING COMMON LAW, TO PREVENT AND DETECT CRIME AND ENFORCE THE GENERAL CRIMINAL LAWS OF THIS STATE. THIS SUBDIVISION DOES NOT INCLUDE AN INDIVIDUAL EMPLOYED SOLELY BECAUSE HE OR SHE OCCUPIES ANY OTHER OFFICE OR POSITION.

(B) AN INDIVIDUAL EMPLOYED AS A MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER BY A FEDERALLY RECOGNIZED INDIAN TRIBE THAT HAS TRUST LANDS LOCATED WITHIN THIS STATE, SUBJECT TO A WRITTEN

1 INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS
2 STATE.

3 (C) THE SERGEANT AT ARMS OR ANY ASSISTANT SERGEANT AT ARMS OF
4 EITHER HOUSE OF THE LEGISLATURE WHO IS COMMISSIONED AS A POLICE
5 OFFICER BY THAT RESPECTIVE HOUSE OF THE LEGISLATURE AS PROVIDED BY
6 THE LEGISLATIVE SERGEANT AT ARMS POLICE POWERS ACT, 2001 PA 185,
7 MCL 4.381 TO 4.382.

8 (D) A LAW ENFORCEMENT OFFICER OF A LAW ENFORCEMENT AGENCY
9 CREATED BY A PUBLIC BODY UNDER SECTION 3 OF THE PUBLIC BODY LAW
10 ENFORCEMENT AGENCY ACT, 2004 PA 378, MCL 28.583.

11 (E) A COUNTY PROSECUTING ATTORNEY'S INVESTIGATOR SWORN AND
12 FULLY EMPOWERED BY THE SHERIFF OF THAT COUNTY AS PROVIDED UNDER
13 ARTICLE VII OF THE STATE CONSTITUTION OF 1963 AND SECTION 70 OF
14 1846 RS 14, MCL 51.70.

15 (F) A FIRE ARSON INVESTIGATOR FROM A FIRE DEPARTMENT WITHIN A
16 VILLAGE, CITY, TOWNSHIP, OR COUNTY WHO IS SWORN AND FULLY EMPOWERED
17 BY THE CHIEF OF POLICE OF THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY.

18 (G) OFFICERS AND INVESTIGATORS APPOINTED BY STATE DEPARTMENTS
19 REPRESENTED ON THE MICHIGAN HIGHWAY RECIPROCITY BOARD AS PROVIDED
20 UNDER SECTION 15 OF 1960 PA 124, MCL 3.175.

21 (H) A SUPERINTENDENT, WATCHPERSON, OR GUARD APPOINTED OR
22 CHOSEN AS PROVIDED UNDER SECTIONS 1 AND 3 OF 1905 PA 80, MCL 19.141
23 AND 19.143.

24 (I) A COMMISSIONER OR OFFICER OF THE DEPARTMENT OF STATE
25 POLICE AS DESCRIBED UNDER SECTION 6 OF 1935 PA 59, MCL 28.6.

26 (J) A CONSERVATION OFFICER APPOINTED BY THE DEPARTMENT OF
27 STATE POLICE AS PROVIDED UNDER SECTION 6A OF 1935 PA 59, MCL 28.6A.

1 (K) A GENERAL LAW TOWNSHIP CONSTABLE ELECTED OR APPOINTED TO
2 PERFORM BOTH STATUTORY CRIMINAL AND CIVIL DUTIES AS PROVIDED UNDER
3 SECTION 82 OF 1846 RS 16, MCL 41.82.

4 (L) AN OFFICER APPOINTED TO A GENERAL LAW TOWNSHIP POLICE
5 DEPARTMENT AS PROVIDED UNDER SECTION 6 OF 1951 PA 33, MCL 41.806.

6 (M) A MARSHAL, POLICEMAN, WATCHMAN, OR OFFICER APPOINTED TO A
7 CHARTER TOWNSHIP POLICE FORCE AS PROVIDED UNDER SECTION 12 OF THE
8 CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.12.

9 (N) A PARK RANGER APPOINTED BY A COUNTY OR REGIONAL PARKS AND
10 RECREATION COMMISSION AS PROVIDED UNDER SECTION 14 OF 1965 PA 261,
11 MCL 46.364.

12 (O) A SHERIFF ELECTED AS PROVIDED UNDER SECTION 4 OF ARTICLE
13 VII OF THE STATE CONSTITUTION OF 1963 OR APPOINTED AS PROVIDED
14 UNDER SECTION 11 OF ARTICLE V OF THE STATE CONSTITUTION OF 1963.

15 (P) AN UNDERSHERIFF OR DEPUTY SHERIFF APPOINTED AS PROVIDED
16 UNDER SECTION 70 OF 1846 RS 14, MCL 51.70.

17 (Q) A POLICE OFFICER APPOINTED BY A GENERAL LAW VILLAGE AS
18 PROVIDED UNDER SECTION 13 OF THE GENERAL LAW VILLAGE ACT, 1895 PA
19 3, MCL 70.13.

20 (R) A POLICE OFFICER OF A HOME RULE VILLAGE WITH THE AUTHORITY
21 DESCRIBED IN SECTIONS 22 AND 22B OF THE HOME RULE VILLAGE ACT, 1909
22 PA 278, MCL 78.22 AND 78.22B.

23 (S) A MARSHAL SERVING AS CHIEF OF POLICE OF A FOURTH CLASS
24 CITY AS PROVIDED UNDER SECTION 16 OF CHAPTER VII OF THE FOURTH
25 CLASS CITY ACT, 1895 PA 215, MCL 87.16.

26 (T) A CONSTABLE OF A FOURTH CLASS CITY AS AUTHORIZED UNDER
27 SECTION 24 OF CHAPTER VII OF THE FOURTH CLASS CITY ACT, 1895 PA

1 215, MCL 87.24.

2 (U) A POLICE CHIEF, POLICEMAN, OR NIGHT WATCHMAN APPOINTED
3 UNDER SECTION 1 OF CHAPTER XII OF THE FOURTH CLASS CITY ACT, 1895
4 PA 215, MCL 92.1.

5 (V) A POLICE OFFICER OR CONSTABLE AS AUTHORIZED UNDER SECTIONS
6 3 AND 32 TO 34A OF THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.3
7 AND 117.32 TO 117.34A.

8 (W) AN AIRPORT LAW ENFORCEMENT OFFICER, GUARD, OR POLICE
9 OFFICER APPOINTED BY A PUBLIC AIRPORT AUTHORITY AS PROVIDED UNDER
10 SECTION 116 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945
11 PA 327, MCL 259.116.

12 (X) A CONSERVATION OFFICER APPOINTED BY THE DIRECTOR OF THE
13 DEPARTMENT OF NATURAL RESOURCES AS PROVIDED UNDER SECTION 1 OF 1986
14 PA 109, MCL 300.21, AND AS AUTHORIZED UNDER SECTIONS 1501, 1601,
15 AND 1606(1) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
16 ACT, 1994 PA 451, MCL 324.1501, 324.1601, AND 324.1606.

17 (Y) A PUBLIC SAFETY OFFICER GRANTED LAW ENFORCEMENT OFFICER
18 AUTHORITY AND EMPLOYED BY A DEPARTMENT OF PUBLIC SAFETY ESTABLISHED
19 UNDER SECTION 1606B OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL
20 380.1606B.

21 (Z) A PUBLIC SAFETY OFFICER AUTHORIZED BY A COMMUNITY COLLEGE
22 AS PROVIDED UNDER SECTION 128 OF THE COMMUNITY COLLEGE ACT OF 1966,
23 1966 PA 331, MCL 389.128.

24 (AA) A PUBLIC SAFETY OFFICER OF A PUBLIC SAFETY OFFICE
25 ESTABLISHED BY THE BOARD OF CONTROL OF SAGINAW VALLEY STATE
26 UNIVERSITY AS PROVIDED UNDER SECTION 5A OF 1965 PA 278, MCL
27 390.715A.

1 (BB) A PUBLIC SAFETY OFFICER OF A HIGHER EDUCATION INSTITUTION
2 AUTHORIZED UNDER SECTION 1 OF 1990 PA 120, MCL 390.1511.

3 (CC) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL AS
4 PROVIDED UNDER SECTION 10 OF THE MEDICAID FALSE CLAIM ACT, 1977 PA
5 72, MCL 400.610.

6 (DD) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL UNDER
7 SECTION 35 OF 1846 RS 12, MCL 14.35, AS DESCRIBED IN THE OPINION OF
8 THE ATTORNEY GENERAL, OAG, 1977 NO. 5236 (OCTOBER 20, 1977).

9 (EE) AN INVESTIGATOR APPOINTED BY THE ATTORNEY GENERAL AS
10 PROVIDED UNDER SECTION 8 OF THE HEALTH CARE FALSE CLAIM ACT, 1984
11 PA 323, MCL 752.1008.

12 (FF) A RAILROAD POLICE OFFICER APPOINTED, COMMISSIONED, AND
13 ACTING AS PROVIDED UNDER SECTION 367 OF THE RAILROAD CODE OF 1993,
14 1993 PA 354, MCL 462.367.

15 (GG) AN INSPECTOR APPOINTED UNDER SECTION 13 OF THE MOTOR
16 CARRIER ACT, 1933 PA 254, MCL 479.13.

17 (HH) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
18 DUTIES ARE PERFORMED IN CONJUNCTION WITH A JOINDER OF 2 OR MORE
19 MUNICIPAL CORPORATIONS UNDER 1951 PA 35, MCL 124.1 TO 124.13.

20 (II) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
21 DUTIES ARE PERFORMED IN CONJUNCTION WITH AN INTERLOCAL AGREEMENT
22 ENTERED INTO UNDER THE URBAN COOPERATION ACT OF 1967, 1967 (EX
23 SESS) PA 7, MCL 124.501 TO 124.512.

24 (JJ) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE
25 DUTIES ARE PERFORMED IN CONJUNCTION WITH A TRANSFER OF FUNCTIONS OR
26 RESPONSIBILITIES UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536.

27 (KK) A LAW ENFORCEMENT OFFICER LICENSED UNDER THIS ACT WHOSE

1 DUTIES HAVE BEEN TRANSFERRED TO AN AUTHORITY AND WHO IS GIVEN A
2 COMPARABLE POSITION OF EMPLOYMENT WITH THAT AUTHORITY AS PROVIDED
3 UNDER 1988 PA 57, MCL 124.601 TO 124.614.

4 (LL) A PRIVATE COLLEGE SECURITY OFFICER APPOINTED UNDER
5 SECTION 37 OF THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT,
6 1968 PA 330, MCL 338.1087, WHO IS LICENSED UNDER SECTION 9D.

7 (ii) "LAW ENFORCEMENT OFFICER" DOES NOT INCLUDE ANY OF THE
8 FOLLOWING:

9 (A) AN INDIVIDUAL AUTHORIZED TO ISSUE CITATIONS AS A VOLUNTEER
10 AS PROVIDED UNDER SECTION 675D OF THE MICHIGAN VEHICLE CODE, 1949
11 PA 300, MCL 257.675D.

12 (B) A SECURITY EMPLOYEE AUTHORIZED BY THE DIRECTOR OF THE
13 DEPARTMENT OF STATE POLICE AS PROVIDED UNDER SECTION 6C OF 1935 PA
14 59, MCL 28.6C.

15 (C) A MOTOR CARRIER ENFORCEMENT OFFICER APPOINTED UNDER
16 SECTION 6D OF 1935 PA 59, MCL 28.6D, AS QUALIFIED UNDER SECTION 5
17 OF 1956 PA 62, MCL 257.955, OR AS AUTHORIZED UNDER SECTION 73 OF
18 1990 PA 187, MCL 257.1873.

19 (D) THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE OR HIS OR
20 HER REPRESENTATIVE GRANTED PEACE OFFICER AUTHORITY AS PROVIDED IN
21 SECTION 9H OF THE MOTOR FUELS QUALITY ACT, 1984 PA 44, MCL
22 290.649H.

23 (E) AN AGENT EMPLOYED AND AUTHORIZED UNDER SECTION 27 OF THE
24 PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT, 1968 PA 330, MCL
25 338.1077.

26 (F) AN ATTENDANCE OFFICER GRANTED THE POWERS OF A DEPUTY
27 SHERIFF AS PROVIDED IN SECTION 1571 OF THE REVISED SCHOOL CODE,

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1 1976 PA 451, MCL 380.1571.

2 (G) A PARK AND RECREATION OFFICER COMMISSIONED UNDER SECTION
3 1606(2) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
4 1994 PA 451, MCL 324.1606.

5 (H) A VOLUNTEER CONSERVATION OFFICER APPOINTED BY THE
6 DEPARTMENT OF NATURAL RESOURCES UNDER SECTION 1607 OF THE NATURAL
7 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
8 324.1607.

9 (I) A STATE FOREST OFFICER COMMISSIONED UNDER SECTION 83107 OF
10 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
11 451, MCL 324.83107.

12 (J) A SPECIAL DEPUTY APPOINTED UNDER SECTION 70 OF 1846 RS 14,
13 MCL 51.70.

14 (K) A LIMITED ENFORCEMENT OFFICER APPOINTED TO CONDUCT SALVAGE
15 VEHICLE INSPECTIONS UNDER SECTION 217C OF THE MICHIGAN VEHICLE
16 CODE, 1949 PA 300, MCL 257.217C, WHO IS NOT OTHERWISE EMPLOYED AS A
17 LAW ENFORCEMENT OFFICER.

18 (L) A PRIVATE SECURITY GUARD OR PRIVATE SECURITY POLICE
19 OFFICER LICENSED UNDER THE PRIVATE SECURITY BUSINESS AND SECURITY
20 ALARM ACT, 1968 PA 330, MCL 338.1051 TO 338.1092, OR A PRIVATE
21 COLLEGE SECURITY OFFICER AUTHORIZED UNDER SECTION 37 OF THE PRIVATE
22 SECURITY BUSINESS AND SECURITY ALARM ACT, 1968 PA 330, MCL
23 338.1087, WHO IS NOT LICENSED UNDER SECTION 9D.

24 (M) THE ATTORNEY GENERAL.

25 (N) THE SECRETARY OF STATE.

26 (O) A MEMBER OF A SHERIFF'S POSSE.

27 (P) A RESERVE OFFICER [.

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(Q) AN OFFICER OR INVESTIGATOR OF THE DEPARTMENT OF STATE
DESIGNATED UNDER SECTION 213 OF THE MICHIGAN VEHICLE CODE, 1949 PA
300, MCL 257.213.

(R) AN AUTHORIZED AGENT OF THE STATE TRANSPORTATION DEPARTMENT
OR A COUNTY ROAD COMMISSION PERFORMING DUTIES DESCRIBED UNDER
SECTION 724 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.724.

(S) AN ENFORCEMENT OFFICER OF THE AERONAUTICS COMMISSION
AUTHORIZED UNDER SECTION 55 OF THE AERONAUTICS CODE OF THE STATE OF
MICHIGAN, 1945 PA 327, MCL 259.55.

(T) A RAILROAD CONDUCTOR ACTING UNDER SECTION 3 OF 1913 PA 68,
MCL 436.203.

(U) AN INSPECTOR AUTHORIZED TO ENFORCE THE MICHIGAN LIQUOR
CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, AND
RULES PROMULGATED BY THE LIQUOR CONTROL COMMISSION, UNDER SECTION
201 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL
436.1201.

(V) AN INDIVIDUAL NOT LICENSED UNDER THIS ACT WHOSE LAW
ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH A JOINDER OF 2
OR MORE MUNICIPAL CORPORATIONS UNDER 1951 PA 35, MCL 124.1 TO
124.13.

(W) AN INDIVIDUAL NOT LICENSED UNDER THIS ACT WHOSE LAW
ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH AN INTERLOCAL
AGREEMENT ENTERED INTO UNDER THE URBAN COOPERATION ACT OF 1967,
1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

1 (X) AN INDIVIDUAL NOT LICENSED UNDER THIS ACT WHOSE LAW
2 ENFORCEMENT DUTIES ARE PERFORMED IN CONJUNCTION WITH A TRANSFER OF
3 FUNCTIONS OR RESPONSIBILITIES UNDER 1967 (EX SESS) PA 8, MCL
4 124.531 TO 124.536.

5 (Y) AN INDIVIDUAL NOT LICENSED UNDER THIS ACT WHOSE LAW
6 ENFORCEMENT DUTIES HAVE BEEN TRANSFERRED TO AN AUTHORITY AND WHO IS
7 GIVEN A COMPARABLE POSITION OF EMPLOYMENT WITH THAT AUTHORITY AS
8 PROVIDED UNDER 1988 PA 57, MCL 124.601 TO 124.614.

9 (Z) A MARSHAL APPOINTED UNDER SECTION 11 OF 1889 PA 39, MCL
10 455.61, OR SECTION 15 OF 1929 PA 137, MCL 455.215.

11 (G) "LAW ENFORCEMENT TRAINING ACADEMY" MEANS ANY OF THE
12 FOLLOWING:

13 (i) AN AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMY.

14 (ii) A PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING
15 ACADEMY.

16 (iii) A REGIONAL BASIC LAW ENFORCEMENT TRAINING ACADEMY.

17 (H) "LICENSE" MEANS DOCUMENTATION OF LICENSURE BY THE
18 COMMISSION UNDER THIS ACT. LICENSE INCLUDES A CERTIFICATE ISSUED
19 UNDER THIS ACT BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
20 ADDED THIS DEFINITION.

21 (I) "LICENSING STANDARDS" MEANS THE REQUIREMENTS WITH WHICH A
22 PERSON MUST COMPLY FOR LICENSURE AS A LAW ENFORCEMENT OFFICER UNDER
23 THIS ACT.

24 (J) "LICENSURE" MEANS A DETERMINATION BY THE COMMISSION THAT
25 BOTH OF THE FOLLOWING OCCURRED IN COMPLIANCE WITH THIS ACT AND
26 RULES PROMULGATED UNDER THIS ACT:

27 (i) THE PERSON TO WHOM THE LICENSE IS ISSUED COMMENCED

1 EMPLOYMENT AS A LAW ENFORCEMENT OFFICER, SUBJECT TO A WRITTEN OATH
 2 OF OFFICE OR OTHER WRITTEN INSTRUMENT CONFERRING LAW ENFORCEMENT
 3 AUTHORITY.

4 (ii) THE LAW ENFORCEMENT AGENCY EMPLOYING THE INDIVIDUAL, OR
 5 THE LAW ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY CONFERRING
 6 LAW ENFORCEMENT AUTHORITY UPON THE INDIVIDUAL, ATTESTED TO THE
 7 COMMISSION THAT THE INDIVIDUAL COMPLIED WITH THE LICENSING
 8 STANDARDS.

9 (K) "MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER" MEANS AN
 10 INDIVIDUAL EMPLOYED AS A LAW ENFORCEMENT OFFICER BY A FEDERALLY
 11 RECOGNIZED INDIAN TRIBE THAT HAS TRUST LANDS LOCATED WITHIN THIS
 12 STATE, SUBJECT TO A WRITTEN INSTRUMENT AUTHORIZING THE INDIVIDUAL
 13 TO ENFORCE THE LAWS OF THIS STATE.

14 (l) ~~(m)~~ "Rule" means a rule promulgated under the
 15 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 16 24.328.

17 Sec. 3. (1) The **MICHIGAN** commission on law enforcement
 18 standards is created to carry out the intent of this act.

19 (2) The commission consists of the following ~~11~~ members:

20 (a) The attorney general, or his or her designated
 21 representative **FROM WITHIN THE DEPARTMENT OF ATTORNEY GENERAL.**

22 (b) The director of the department of state police, or his or
 23 her designated representative **WHO IS A POLICE OFFICER WITHIN THE**
 24 **DEPARTMENT OF STATE POLICE.**

25 (C) THE CHIEF OF A POLICE DEPARTMENT OF A CITY THAT HAS A
 26 POPULATION OF MORE THAN 600,000, OR HIS OR HER DESIGNEE WHO IS A
 27 COMMAND OFFICER WITHIN THAT DEPARTMENT.

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(D) ~~(e)~~ Nine ~~THE FOLLOWING~~ members appointed by the governor,
with the advice and consent of ~~SUBJECT TO THE ADVICE AND CONSENT OF~~
the senate **UNDER SECTION 6 OF ARTICLE V OF THE STATE CONSTITUTION**
OF 1963, as follows:

(i) Three individuals ~~[selected from a list of 6 active voting~~
~~members of and submitted~~ **NOMINATED** by the Michigan association of chiefs
~~of police or its successor organization.~~ **ASSOCIATION OF CHIEFS OF POLICE.**

(ii) Three individuals ~~selected from a list of 6 elected sheriffs~~
~~submitted~~ **NOMINATED** by the Michigan sheriffs' association or its
~~successor organization.~~ **SHERIFFS' ASSOCIATION.**

(iii) **ONE INDIVIDUAL NOMINATED BY THE PROSECUTING ATTORNEYS**
ASSOCIATION OF MICHIGAN.

(iv) **ONE INDIVIDUAL NOMINATED BY THE CRIMINAL DEFENSE ATTORNEYS OF**
MICHIGAN.

(v) **ONE INDIVIDUAL NOMINATED BY THE MICHIGAN STATE POLICE TROOPERS**
ASSOCIATION.

(vi) ~~(iii)~~ One individual ~~selected from a list of 3 names submitted~~
NOMINATED by the Michigan chapter of the ~~fraternal order of the police or~~
~~its successor organization.~~ **FRATERNAL ORDER OF POLICE.**

(vii) ~~(iv)~~ One individual ~~selected from a list of 3 names submitted~~
NOMINATED by the ~~police officers association~~ **POLICE OFFICERS ASSOCIATION**
~~of Michigan. or its successor organization.~~

(viii) ~~(v)~~ One individual ~~selected from a list of 3 individuals~~
~~submitted~~ **NOMINATED** by the ~~Detroit police officers associations or their~~
~~successor organizations.~~ **A POLICE ASSOCIATION NOT OTHERWISE REPRESENTED ON**
THE COMMISSION REPRESENTING LAW ENFORCEMENT OFFICERS EMPLOYED BY A LAW
ENFORCEMENT AGENCY EMPLOYING MORE THAN 10% OF THE POLICE OFFICERS IN THIS

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 1 **STATE.**

2 (ix) ONE INDIVIDUAL NOMINATED BY THE POLICE OFFICERS LABOR COUNCIL
 3 OF MICHIGAN.

4 (x) ONE INDIVIDUAL NOMINATED BY THE MICHIGAN ASSOCIATION OF POLICE.

5 (xi) ONE INDIVIDUAL NOMINATED BY THE DEPUTY SHERIFF'S ASSOCIATION OF
 6 MICHIGAN.

7 (xii) ONE NON-LAW ENFORCEMENT INDIVIDUAL REPRESENTING THE PUBLIC.

8 (3) THE TERMS OF THE MEMBERS OF THE COMMISSION WHO WERE PREVIOUSLY
 9 APPOINTED BY THE GOVERNOR AND SERVING ON THE COMMISSION ON THE EFFECTIVE
 10 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION EXPIRE ON THE
 11 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

12 (4) NOT MORE THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE
 13 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE GOVERNOR SHALL APPOINT
 14 MEMBERS TO THE COMMISSION AS PROVIDED IN SUBSECTION (2) (D) .

15 (5) THE GOVERNOR MAY APPOINT ANY INDIVIDUAL MEETING THE MEMBERSHIP
 16 REQUIREMENTS OF THE ORGANIZATIONS LISTED IN SUBSECTION (2) (D) (i) TO (xii)
 17 IF THE ORGANIZATION PERMITTED TO NOMINATE AN INDIVIDUAL TO THE COMMISSION
 18 FAILS TO PROVIDE A NOMINEE NOT LESS THAN 30 DAYS BEFORE A VACANCY CREATED
 19 BY THE EXPIRATION OF A TERM, OR NOT LESS THAN 30 DAYS AFTER THE EFFECTIVE
 20 DATE OF ANY OTHER VACANCY.

21
 22 **(6) (4)]** ~~(d) An individual selected under subdivision (e)~~
 23 **SUBSECTION (2) (D)** shall serve as a commission member only while
 24 serving as a member of the ~~respective organizations in~~
 25 ~~subparagraphs (i) to (v).~~ **ORGANIZATION THAT SUBMITTED HIS OR HER**
 26 **NAME TO THE GOVERNOR FOR APPOINTMENT.**

27 ~~— (3) The terms of the members of the law enforcement officers~~

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~~training council expire on the date that all members of the
commission on law enforcement standards are appointed.~~

**[(7) (5)] MEMBERS OF THE COMMISSION APPOINTED OR REAPPOINTED UNDER
SUBSECTION (2) (D) (i) TO [(xii)] SHALL BE APPOINTED FOR A TERM OF 4
YEARS EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED TO THE
COMMISSION, [6] SHALL SERVE FOR 1 YEAR, 5 SHALL SERVE FOR 2 YEARS,
AND 5 SHALL SERVE FOR 3 YEARS.**

**[(8) (6)] THE EXPIRATION DATES OF APPOINTMENTS UNDER SUBSECTION
(2) (D) SHALL BE DECEMBER 31 OF THE CALENDAR YEAR IN WHICH THEY
EXPIRE.**

**[(9) (7)] A VACANCY ON THE COMMISSION OCCURRING OTHER THAN BY
EXPIRATION OF A TERM SHALL BE FILLED BY THE GOVERNOR IN THE SAME
MANNER AS THE ORIGINAL APPOINTMENT FOR THE BALANCE OF THE UNEXPIRED
TERM.**

Sec. 5. (1) The commission shall elect from among its members
a chairperson and a vice-chairperson who shall serve for 1-year
terms and who may be reelected.

(2) Membership on the commission does not constitute holding a
public office, and members of the commission are not required to
take and file oaths of office before serving on the commission.

~~—— (3) The commission does not have the right to exercise any
portion of the sovereign power of the state.~~

**(3) (4) A member of the commission is not disqualified from
holding any public office or employment by reason of his or her
appointment or membership on the commission and shall not forfeit
any public office or employment because of his or her appointment
to the commission, notwithstanding any general, special, or local**

1 law, ordinance, or city charter.

2 Sec. 6. (1) The commission shall meet not less than 4 times in
3 each year and shall hold special meetings when called by the
4 chairperson or, in the absence of the chairperson, by the vice-
5 chairperson. A special meeting of the commission shall be called by
6 the chairperson upon the written request of 5 members of the
7 commission.

8 (2) The commission shall establish its own procedures and
9 requirements with respect to quorum, place and conduct of its
10 meetings, and other matters.

11 **(3) THE COMMISSION MAY ESTABLISH OTHER PROCEDURES AND**
12 **REQUIREMENTS GOVERNING ITS OPERATIONS TO CARRY OUT THE INTENT OF**
13 **THIS ACT.**

14 **(4) ~~(3)~~**The commission's business shall be conducted in
15 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to
16 15.275. Public notice of the time, date, and place of the meeting
17 shall be given in the manner required by the open meetings act,
18 1976 PA 267, MCL 15.261 to 15.275. **THE COMMISSION MAY TAKE ACTION**
19 **AT A MEETING UPON A VOTE OF THE MAJORITY OF ITS MEMBERS WHO ARE**
20 **PRESENT AT THE MEETING.**

21 Sec. 7. The commission shall make an annual report to the
22 governor that includes pertinent data regarding the law enforcement
23 officer minimum standards and the degree of participation of
24 municipalities in the training programs, **AND ANY OTHER INFORMATION**
25 **THE GOVERNOR REQUESTS OR THE COMMISSION CONSIDERS APPROPRIATE.**

26 Sec. 9. ~~(1) The commission shall promulgate rules to establish~~
27 ~~law enforcement officer minimum standards. The rules do not apply~~

~~to a member of a sheriff's posse or a police auxiliary temporarily performing his or her duty under the direction of the sheriff or police department. In promulgating the law enforcement officer minimum standards, the commission shall give consideration to the varying factors and special requirements of local police agencies. The law enforcement officer minimum standards shall include all of the following:~~

~~—— (a) Minimum standards of physical, educational, mental, and moral fitness that govern the recruitment, selection, appointment, and certification of law enforcement officers.~~

~~—— (b) Minimum courses of study, attendance requirements, and instructional hours required at approved police training schools.~~

~~—— (c) Minimum basic training requirements that a person, excluding sheriffs, shall complete before being eligible for certification under section 9a(1).~~

~~—— (2) If a person's certification under section 9a(1) becomes void under section 9a(4) (b), the commission shall waive the requirements described in subsection (1) (b) for certification of the person under section 9a(1) if 1 or more of the following apply:~~

~~—— (a) The person has been employed 1 year or less as a commission certified law enforcement officer and is again employed as a law enforcement officer within 1 year after discontinuing employment as a commission certified law enforcement officer.~~

~~—— (b) The person has been employed more than 1 year but less than 5 years as a commission certified law enforcement officer and is again employed as a law enforcement officer within 18 months after discontinuing employment as a commission certified law~~

1 ~~enforcement officer.~~

2 ~~—— (c) The person has been employed 5 years or more as a~~
3 ~~commission certified law enforcement officer and is again employed~~
4 ~~as a law enforcement officer within 2 years after discontinuing~~
5 ~~employment as a commission certified law enforcement officer.~~

6 ~~—— (d) The person has successfully completed the mandatory~~
7 ~~training and has been continuously employed as a law enforcement~~
8 ~~officer, but through no fault of that person the employing agency~~
9 ~~failed to obtain certification for that person as required by this~~
10 ~~act.~~

11 ~~—— (3) A commission certified law enforcement officer who is a~~
12 ~~member of any of the reserve components of the United States armed~~
13 ~~forces and who is called to active duty in the armed forces is not~~
14 ~~considered to have discontinued his or her employment as a~~
15 ~~commission certified law enforcement officer under section~~
16 ~~9a(4)(b). The person's certification under section 9a(1) shall not~~
17 ~~become void during that term of active military service. However,~~
18 ~~the certification of a certified law enforcement officer described~~
19 ~~in this subsection may be revoked under section 9b if the officer~~
20 ~~committed an offense during the period of active duty in the armed~~
21 ~~forces that resulted in a conviction enumerated in section 9b(1).~~
22 ~~As used in this subsection, "reserve components of the United~~
23 ~~States armed forces" means that term as defined in section 2 of the~~
24 ~~military family relief fund act, 2004 PA 363, MCL 35.1212. This~~
25 ~~subsection does not apply to a commission certified law enforcement~~
26 ~~officer who volunteers for a term of active military service or who~~
27 ~~voluntarily extends a term of active military service that began~~

~~when he or she was called to active duty. This subsection does not apply to a commission certified law enforcement officer who is dishonorably discharged from a term of active military service.~~

~~———— (4) The commission shall promulgate rules with respect to all of the following:~~

~~———— (a) The categories or classifications of advanced in-service training programs for commission certified law enforcement officers and minimum courses of study and attendance requirements for the categories or classifications.~~

~~———— (b) The establishment of subordinate regional training centers in strategic geographic locations in order to serve the greatest number of police agencies that are unable to support their own training programs.~~

~~———— (c) The commission's acceptance of certified basic police training and law enforcement experience received by a person in another state in fulfillment in whole or in part of the law enforcement officer minimum standards.~~

~~———— (d) The commission's approval of police training schools administered by a city, county, township, village, corporation, college, community college or university.~~

~~———— (e) The minimum qualifications for instructors at approved police training schools.~~

~~———— (f) The minimum facilities and equipment required at approved police training schools.~~

~~———— (g) The establishment of preservice basic training programs at colleges and universities.~~

~~———— (h) Acceptance of basic police training and law enforcement~~

~~experience received by a person in fulfillment in whole or in part of the law enforcement officer minimum standards prepared and published by the commission if both of the following apply:~~

~~—— (i) The person successfully completed the basic police training in another state or through a federally operated police training school that was sufficient to fulfill the minimum standards required by federal law to be appointed as a law enforcement officer of a Michigan Indian tribal police force.~~

~~—— (ii) The person is or was a law enforcement officer of a Michigan Indian tribal police force for a period of 1 year or more.~~

~~—— (5) Except as otherwise provided in this section, a regularly employed person employed on or after January 1, 1977 as a member of a police force having a full-time officer is not empowered to exercise all the authority of a peace officer in this state, or be employed in a position for which the authority of a peace officer is conferred by statute, unless the person has received certification under section 9a(1).~~

~~—— (6) A law enforcement officer employed before January 1, 1977 may continue his or her employment as a law enforcement officer and participate in training programs on a voluntary or assigned basis but failure to obtain certification under section 9a(1) or (2) is not grounds for dismissal of or termination of that employment as a law enforcement officer. A person who was employed as a law enforcement officer before January 1, 1977 who fails to obtain certification under section 9a(1) and who voluntarily or involuntarily discontinues his or her employment as a law enforcement officer may be employed as a law enforcement officer if~~

~~he or she was employed 5 years or more as a law enforcement officer and is again employed as a law enforcement officer within 2 years after discontinuing employment as a law enforcement officer.~~

~~———— (7) A law enforcement officer of a Michigan Indian tribal police force is not empowered to exercise the authority of a peace officer under the laws of this state and shall not be employed in a position for which peace officer authority is granted under the laws of this state unless all of the following requirements are met:~~

~~———— (a) The tribal law enforcement officer is certified under this act.~~

~~———— (b) The tribal law enforcement officer is 1 of the following:~~

~~———— (i) Deputized by the sheriff of the county in which the trust lands of the Michigan Indian tribe employing the tribal law enforcement officer are located, or by the sheriff of any county that borders the trust lands of that Michigan Indian tribe, pursuant to section 70 of 1846 RS 14, MCL 51.70.~~

~~———— (ii) Appointed as a police officer of the state or a city, township, charter township, or village that is authorized by law to appoint individuals as police officers.~~

~~———— (c) The deputation or appointment of the tribal law enforcement officer described in subdivision (b) is made pursuant to a written contract that includes terms the appointing authority under subdivision (b) may require between the state or local law enforcement agency and the tribal government of the Michigan Indian tribe employing the tribal law enforcement officer.~~

~~———— (d) The written contract described in subdivision (c) is~~

~~incorporated into a self-determination contract, grant agreement, or cooperative agreement between the United States secretary of the interior and the tribal government of the Michigan Indian tribe employing the tribal law enforcement officer pursuant to the Indian self-determination and education assistance act, Public Law 93-638, 88 Stat. 2203.~~

~~—— (8) A law enforcement officer of a multicounty metropolitan district, other than a law enforcement officer employed by a law enforcement agency created under the public body law enforcement agency act, is not empowered to exercise the authority of a peace officer under the laws of this state and shall not be employed in a position for which peace officer authority is granted under the laws of this state unless all of the following requirements are met:~~

~~—— (a) The law enforcement officer has met or exceeded minimum standards for certification under this act.~~

~~—— (b) The law enforcement officer is deputized by the sheriff or sheriffs of the county or counties in which the land of the multicounty metropolitan district employing the law enforcement officer is located and in which the law enforcement officer will work, pursuant to section 70 of 1846 RS 14, MCL 51.70.~~

~~—— (c) The deputation or appointment of the law enforcement officer is made pursuant to a written agreement that includes terms the deputizing authority under subdivision (b) may require between the state or local law enforcement agency and the governing board of the multicounty metropolitan district employing the law enforcement officer.~~

~~1 (d) The written agreement described in subdivision (c) is
2 filed with the commission.~~

~~3 (9) A public body that creates a law enforcement agency under
4 the public body law enforcement agency act and that employs 1 or
5 more law enforcement officers certified under this act shall be
6 considered to be a law enforcement agency for purposes of section
7 9d.~~

~~8 (10) The commission may establish an evaluation or testing
9 process, or both, for granting a waiver from the law enforcement
10 officer minimum standards regarding training requirements to a
11 person who has held a certificate under this act and who
12 discontinues employment as a law enforcement officer for a period
13 of time exceeding the time prescribed in subsection (2)(a) to (c)
14 or (6), as applicable.~~

**15 (1) THIS SECTION APPLIES TO ALL LAW ENFORCEMENT OFFICERS
16 EXCEPT INDIVIDUALS TO WHOM SECTIONS 9A, 9B, 9C, AND 9D APPLY.
17 EMPLOYMENT OF LAW ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES
18 IS SUBJECT TO THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS
19 SECTION.**

**20 (2) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING
21 STANDARDS AND PROCEDURES FOR INDIVIDUALS LICENSED UNDER THIS
22 SECTION. IN PROMULGATING THE RULES, THE COMMISSION SHALL GIVE
23 CONSIDERATION TO THE VARYING FACTORS AND SPECIAL REQUIREMENTS OF
24 LAW ENFORCEMENT AGENCIES. RULES PROMULGATED UNDER THIS SUBSECTION
25 SHALL PERTAIN TO THE FOLLOWING:**

**26 (A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER
27 OF THE FOLLOWING:**

1 (i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE
2 REQUIREMENTS, AND INSTRUCTIONAL HOURS AT AN AGENCY BASIC LAW
3 ENFORCEMENT TRAINING ACADEMY, A PRESERVICE COLLEGE BASIC LAW
4 ENFORCEMENT TRAINING ACADEMY, OR A REGIONAL BASIC LAW ENFORCEMENT
5 TRAINING ACADEMY.

6 (ii) THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING
7 AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER FROM THE LICENSING
8 STANDARD SPECIFIED IN SUBPARAGRAPH (i) .

9 (B) PROFICIENCY ON A LICENSING EXAMINATION ADMINISTERED AFTER
10 COMPLIANCE WITH THE LICENSING STANDARD SPECIFIED IN SUBDIVISION

11 (A) .

12 (C) PHYSICAL ABILITY.

13 (D) PSYCHOLOGICAL FITNESS.

14 (E) EDUCATION.

15 (F) READING AND WRITING PROFICIENCY.

16 (G) MINIMUM AGE.

17 (H) WHETHER OR NOT A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE
18 IS REQUIRED FOR LICENSURE.

19 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
20 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
21 EXECUTED BY THE INDIVIDUAL FOR WHOM LICENSURE IS SOUGHT.

22 (J) WHETHER OR NOT UNITED STATES CITIZENSHIP IS REQUIRED FOR
23 LICENSURE.

24 (K) EMPLOYMENT AS A LAW ENFORCEMENT OFFICER.

25 (l) THE FORM AND MANNER FOR EXECUTION OF A WRITTEN OATH OF
26 OFFICE BY A LAW ENFORCEMENT AGENCY WITH WHOM THE INDIVIDUAL IS
27 EMPLOYED, AND THE CONTENT OF THE WRITTEN OATH CONFERRING AUTHORITY

1 TO ACT WITH ALL OF THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE
2 LAWS OF THIS STATE UNDER WHICH THE INDIVIDUAL IS EMPLOYED.

3 (3) THE LICENSURE PROCESS UNDER THIS SECTION SHALL COMPLY WITH
4 THE FOLLOWING PROCEDURES:

5 (A) BEFORE EXECUTING THE OATH OF OFFICE, AN EMPLOYING LAW
6 ENFORCEMENT AGENCY VERIFIES THAT THE INDIVIDUAL TO WHOM THE OATH IS
7 TO BE ADMINISTERED COMPLIES WITH LICENSING STANDARDS.

8 (B) A LAW ENFORCEMENT AGENCY EMPLOYING AN INDIVIDUAL LICENSED
9 UNDER THIS SECTION AUTHORIZES THE INDIVIDUAL TO EXERCISE THE LAW
10 ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS OF THIS STATE UNDER
11 WHICH THE INDIVIDUAL IS EMPLOYED, BY EXECUTING A WRITTEN OATH OF
12 OFFICE.

13 (C) NOT MORE THAN 10 CALENDAR DAYS AFTER EXECUTING THE OATH OF
14 OFFICE, THE EMPLOYING LAW ENFORCEMENT AGENCY SHALL ATTEST IN
15 WRITING TO THE COMMISSION THAT THE INDIVIDUAL TO WHOM THE OATH WAS
16 ADMINISTERED SATISFIES THE LICENSING STANDARDS BY SUBMITTING AN
17 EXECUTED AFFIDAVIT AND A COPY OF THE EXECUTED OATH OF OFFICE.

18 (4) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
19 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE INDIVIDUAL
20 COMPLIES WITH THE LICENSING STANDARDS, THE COMMISSION SHALL GRANT
21 THE INDIVIDUAL A LICENSE.

22 (5) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
23 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE INDIVIDUAL DOES
24 NOT COMPLY WITH THE LICENSING STANDARDS, THE COMMISSION MAY DO ANY
25 OF THE FOLLOWING:

26 (A) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
27 AFFIDAVIT AND OATH OF OFFICE.

1 (B) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
2 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED
3 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

4 (C) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
5 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE
6 LICENSING STANDARDS.

7 (D) DENY THE ISSUANCE OF A LICENSE AND INFORM THE EMPLOYING
8 LAW ENFORCEMENT AGENCY.

9 (6) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
10 ISSUANCE OF A LICENSE, THE EMPLOYING LAW ENFORCEMENT AGENCY SHALL
11 PROMPTLY INFORM THE INDIVIDUAL WHOSE LICENSURE WAS DENIED.

12 (7) AN INDIVIDUAL DENIED A LICENSE UNDER THIS SECTION SHALL
13 NOT EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS OF
14 THIS STATE UNDER WHICH THE INDIVIDUAL IS EMPLOYED. THIS SUBSECTION
15 DOES NOT DIVEST THE INDIVIDUAL OF THAT AUTHORITY UNTIL THE
16 INDIVIDUAL HAS BEEN INFORMED THAT HIS OR HER LICENSURE WAS DENIED.

17 (8) A LAW ENFORCEMENT AGENCY THAT HAS ADMINISTERED AN OATH OF
18 OFFICE TO AN INDIVIDUAL UNDER THIS SECTION SHALL DO ALL OF THE
19 FOLLOWING, WITH RESPECT TO THAT INDIVIDUAL:

20 (A) REPORT TO THE COMMISSION ALL PERSONNEL TRANSACTIONS
21 AFFECTING EMPLOYMENT STATUS IN A MANNER PRESCRIBED IN RULES
22 PROMULGATED BY THE COMMISSION.

23 (B) REPORT TO THE COMMISSION CONCERNING ANY ACTION TAKEN BY
24 THE EMPLOYING AGENCY THAT REMOVES THE AUTHORITY CONFERRED BY THE
25 OATH OF OFFICE, OR THAT RESTORES THE INDIVIDUAL'S AUTHORITY TO THAT
26 CONFERRED BY THE OATH OF OFFICE, IN A MANNER PRESCRIBED IN RULES
27 PROMULGATED BY THE COMMISSION.

1 (C) MAINTAIN AN EMPLOYMENT HISTORY RECORD.

2 (D) COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION ESTABLISHING
3 THAT THE INDIVIDUAL COMPLIES WITH THE LICENSING STANDARDS.

4 (9) AN INDIVIDUAL LICENSED UNDER THIS SECTION SHALL REPORT ALL
5 OF THE FOLLOWING TO THE COMMISSION:

6 (A) CRIMINAL CHARGES FOR OFFENSES FOR WHICH THAT INDIVIDUAL'S
7 LICENSE MAY BE REVOKED AS DESCRIBED IN THIS SECTION, UPON BEING
8 INFORMED OF SUCH CHARGES, IN A MANNER PRESCRIBED IN RULES
9 PROMULGATED BY THE COMMISSION.

10 (B) THE IMPOSITION OF A PERSONAL PROTECTION ORDER AGAINST THAT
11 INDIVIDUAL AFTER A JUDICIAL HEARING UNDER SECTION 2950 OR 2950A OF
12 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND
13 600.2950A, OR UNDER THE LAWS OF ANY OTHER JURISDICTION, UPON BEING
14 INFORMED OF THE IMPOSITION OF SUCH AN ORDER, IN A MANNER PRESCRIBED
15 IN RULES PROMULGATED BY THE COMMISSION.

16 (10) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED INACTIVE,
17 AND MAY BE REACTIVATED, AS FOLLOWS:

18 (A) A LICENSE IS RENDERED INACTIVE IF:

19 (i) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
20 OFFICER FOR FEWER THAN 2,080 HOURS IN AGGREGATE, IS THEREAFTER
21 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
22 THAN 1 YEAR.

23 (ii) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
24 OFFICER FOR FEWER THAN 2,080 HOURS IN AGGREGATE, IS THEREAFTER
25 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
26 THE OATH OF OFFICE FOR LESS THAN 1 YEAR.

27 (iii) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT

1 OFFICER FOR 2,080 HOURS OR LONGER IN AGGREGATE, IS THEREAFTER
2 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
3 THAN 2 YEARS.

4 (iv) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
5 OFFICER FOR 2,080 HOURS OR LONGER IN AGGREGATE, IS CONTINUOUSLY
6 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE OATH OF
7 OFFICE FOR LESS THAN 2 YEARS.

8 (B) AN EMPLOYING LAW ENFORCEMENT AGENCY MAY REACTIVATE A
9 LICENSE RENDERED INACTIVE BY COMPLYING WITH THE LICENSURE
10 PROCEDURES DESCRIBED IN SUBSECTION (3), EXCLUDING VERIFICATION OF
11 AND ATTESTATION TO COMPLIANCE WITH THE LICENSING STANDARDS
12 DESCRIBED IN SUBSECTION (2) (A) TO (G).

13 (C) A LICENSE THAT HAS BEEN REACTIVATED UNDER THIS SECTION IS
14 VALID FOR ALL PURPOSES DESCRIBED IN THIS ACT.

15 (11) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED LAPSED,
16 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

17 (A) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
18 OFFICER FOR FEWER THAN 2,080 HOURS IN AGGREGATE, IS THEREAFTER
19 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 1 YEAR.

20 (B) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
21 OFFICER FOR FEWER THAN 2,080 HOURS IN AGGREGATE, IS THEREAFTER
22 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
23 THE OATH OF OFFICE FOR 1 YEAR.

24 (C) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
25 OFFICER FOR 2,080 HOURS OR LONGER IN AGGREGATE, IS THEREAFTER
26 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 2 YEARS.

27 (D) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT

1 OFFICER FOR 2,080 HOURS OR LONGER IN AGGREGATE, IS CONTINUOUSLY
2 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE OATH OF
3 OFFICE FOR 2 YEARS.

4 (12) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
5 SECTION FOR ANY OF THE FOLLOWING CIRCUMSTANCES AND SHALL PROMULGATE
6 RULES GOVERNING REVOCATIONS UNDER THIS SUBSECTION:

7 (A) THE INDIVIDUAL OBTAINED THE LICENSE BY MAKING A MATERIALLY
8 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN
9 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
10 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
11 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
12 LICENSURE APPLICATION.

13 (B) THE INDIVIDUAL OBTAINED THE LICENSE BECAUSE ANOTHER
14 INDIVIDUAL MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR
15 COMMITTED FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A
16 LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW
17 ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
18 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

19 (C) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
20 GUILT FOR A VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF THIS
21 STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY IMPRISONMENT
22 FOR MORE THAN 1 YEAR.

23 (D) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
24 GUILT FOR VIOLATION OR ATTEMPTED VIOLATION OF 1 OR MORE OF THE
25 FOLLOWING PENAL LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION
26 SUBSTANTIALLY CORRESPONDING TO THE PENAL LAWS OF THIS STATE:

27 (i) SECTION 625(1) OR (8) OF THE MICHIGAN VEHICLE CODE, 1949

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1 GPA 300, MCL 257.625, IF THE INDIVIDUAL HAS A PRIOR CONVICTION, AS
2 THAT TERM IS DEFINED IN SECTION 625(25) (B) OF THE MICHIGAN VEHICLE
3 CODE, 1949 PA 300, MCL 257.625, THAT OCCURRED WITHIN 7 YEARS OF THE
4 ADJUDICATION AS DESCRIBED IN SECTION 625(9) (B) OF THE MICHIGAN
5 VEHICLE CODE, 1949 PA 300, MCL 257.625.

6 (ii) SECTIONS 7403(2) (C) AND 7404(2) (A), (B), AND (C) OF THE
7 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7403 AND 333.7404.

8 (iii) SECTIONS [81(4)] AND 81A AND A MISDEMEANOR VIOLATION OF
9 SECTION 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81,
10 750.81A, AND 750.411H.

11 (13) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO
12 LICENSE REVOCATION UNDER THIS SECTION:

13 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
14 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF AN
15 ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON
16 OBTAINING NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

17 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
18 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
19 1969 PA 306, MCL 24.201 TO 24.328.

20 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, AN
21 INDIVIDUAL MAY VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER
22 LAW ENFORCEMENT OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC
23 AN AFFIDAVIT OF LICENSE RELINQUISHMENT PRESCRIBED BY THE
24 COMMISSION.

25 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
26 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
27 FROM THE ADJUDICATION OF GUILT.

(E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(14) AN INDIVIDUAL LICENSED UNDER THIS SECTION SHALL NOT EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE LAWS OF THIS STATE UNDER WHICH THE INDIVIDUAL IS EMPLOYED IF ANY OF THE FOLLOWING OCCUR:

(A) THE INDIVIDUAL'S LICENSE IS RENDERED VOID BY A COURT ORDER OR OTHER OPERATION OF LAW.

(B) THE INDIVIDUAL'S LICENSE IS REVOKED.

(C) THE INDIVIDUAL'S LICENSE IS RENDERED INACTIVE.

(D) THE INDIVIDUAL'S LICENSE IS RENDERED LAPSED.

~~Sec. 9a. (1) The commission shall grant certification to a person who meets the law enforcement officer minimum standards at the time he or she is employed as a law enforcement officer.~~

~~—— (2) The commission shall grant certification to a person who was employed as a law enforcement officer before January 1, 1977 and who fails to meet the law enforcement officer minimum standards if the person is authorized to be employed as a law enforcement officer under section 9.~~

~~—— (3) The commission shall grant certification to an elected sheriff, which certification shall remain valid only while that sheriff is in office.~~

~~—— (4) Certification granted to a person under this act is valid~~

1 ~~until either of the following occurs:~~

2 ~~—— (a) The certification is revoked.~~

3 ~~—— (b) The certification becomes void because the person~~
4 ~~discontinues his or her employment as a commission certified law~~
5 ~~enforcement officer.~~

6 ~~—— (5) The commission shall issue a certificate to a person who~~
7 ~~has received certification. A certificate issued to a person~~
8 ~~remains the property of the commission.~~

9 ~~—— (6) Upon request of the commission, a person whose~~
10 ~~certification is revoked, or becomes void because the person~~
11 ~~discontinues his or her employment as a commission certified law~~
12 ~~enforcement officer, shall return to the commission the certificate~~
13 ~~issued to the person. A violation of this subsection is a~~
14 ~~misdemeanor, punishable by imprisonment for 90 days, a fine of not~~
15 ~~more than \$500.00, or both.~~

16 **(1) THIS SECTION APPLIES ONLY TO INDIVIDUALS ELECTED OR**
17 **APPOINTED TO THE OFFICE OF SHERIFF IN THIS STATE. EMPLOYMENT OF LAW**
18 **ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES IS SUBJECT TO THE**
19 **LICENSING REQUIREMENTS AND PROCEDURES OF THIS SECTION.**

20 **(2) THE LICENSURE PROCESS UNDER THIS SECTION SHALL COMPLY WITH**
21 **THE FOLLOWING PROCEDURES:**

22 **(A) NOT MORE THAN 10 CALENDAR DAYS AFTER TAKING AN OATH OF**
23 **OFFICE FOR THE OFFICE OF SHERIFF IN THIS STATE, AN INDIVIDUAL SHALL**
24 **SUBMIT TO THE COMMISSION A COPY OF THE EXECUTED OATH OF OFFICE.**

25 **(B) IF, UPON REVIEWING THE EXECUTED OATH OF OFFICE, THE**
26 **COMMISSION DETERMINES THAT THE INDIVIDUAL HAS BEEN ELECTED OR**
27 **APPOINTED TO THE OFFICE OF SHERIFF IN THIS STATE, THE COMMISSION**

1 SHALL GRANT THE INDIVIDUAL A LICENSE.

2 (C) IF, UPON REVIEWING THE EXECUTED OATH OF OFFICE, THE
3 COMMISSION DETERMINES THAT THE INDIVIDUAL HAS NOT BEEN ELECTED OR
4 APPOINTED TO THE OFFICE OF SHERIFF IN THIS STATE, THE COMMISSION
5 MAY DO EITHER OF THE FOLLOWING:

6 (i) VERIFY, THROUGH OTHER MEANS, ELECTION OR APPOINTMENT TO
7 THE OFFICE OF SHERIFF IN THIS STATE.

8 (ii) DENY THE ISSUANCE OF A LICENSE AND INFORM THE INDIVIDUAL
9 DENIED.

10 (3) AN INDIVIDUAL LICENSED UNDER THIS SECTION SHALL REPORT ALL
11 OF THE FOLLOWING TO THE COMMISSION:

12 (A) CRIMINAL CHARGES FOR OFFENSES FOR WHICH THAT INDIVIDUAL'S
13 LICENSE MAY BE REVOKED AS DESCRIBED IN THIS SECTION, UPON BEING
14 INFORMED OF SUCH CHARGES, IN A MANNER PRESCRIBED IN RULES
15 PROMULGATED BY THE COMMISSION.

16 (B) THE IMPOSITION OF A PERSONAL PROTECTION ORDER AGAINST THAT
17 INDIVIDUAL AFTER A JUDICIAL HEARING UNDER SECTION 2950 OR 2950A OF
18 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND
19 600.2950A, OR UNDER THE LAWS OF ANY OTHER JURISDICTION, UPON BEING
20 INFORMED OF THE IMPOSITION OF SUCH AN ORDER, IN A MANNER PRESCRIBED
21 IN RULES PROMULGATED BY THE COMMISSION.

22 (4) A LICENSE GRANTED UNDER THIS SECTION IS VALID UNTIL ANY OF
23 THE FOLLOWING OCCUR:

24 (A) A COURT ORDER OR OTHER OPERATION OF LAW RENDERS THE
25 LICENSE VOID.

26 (B) THE INDIVIDUAL'S TERM OF OFFICE AS A SHERIFF IN THIS STATE
27 EXPIRES.

1 (C) THE COMMISSION REVOKES THE LICENSE AS PROVIDED IN THIS
2 SECTION.

3 (5) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
4 SECTION FOR ANY OF THE FOLLOWING CIRCUMSTANCES AND SHALL PROMULGATE
5 RULES GOVERNING REVOCATIONS UNDER THIS SUBSECTION:

6 (A) THE INDIVIDUAL OBTAINED THE LICENSE BY MAKING A MATERIALLY
7 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN
8 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
9 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
10 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
11 LICENSURE APPLICATION.

12 (B) THE INDIVIDUAL OBTAINED THE LICENSE BECAUSE ANOTHER
13 INDIVIDUAL MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR
14 COMMITTED FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A
15 LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW
16 ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
17 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

18 (C) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
19 GUILT FOR A VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF THIS
20 STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY IMPRISONMENT
21 FOR MORE THAN 1 YEAR.

22 (D) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
23 GUILT FOR VIOLATION OR ATTEMPTED VIOLATION OF 1 OR MORE OF THE
24 FOLLOWING PENAL LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION
25 SUBSTANTIALLY CORRESPONDING TO THE PENAL LAWS OF THIS STATE:

26 (i) SECTION 625(1) OR (8) OF THE MICHIGAN VEHICLE CODE, 1949
27 PA 300, MCL 257.625, IF THE INDIVIDUAL HAS A PRIOR CONVICTION, AS

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1 THAT TERM IS DEFINED IN SECTION 625(25) (B) OF THE MICHIGAN VEHICLE
2 CODE, 1949 PA 300, MCL 257.625, THAT OCCURRED WITHIN 7 YEARS OF THE
3 ADJUDICATION AS DESCRIBED IN SECTION 625(9) (B) OF THE MICHIGAN
4 VEHICLE CODE, 1949 PA 300, MCL 257.625.

5 (ii) SECTIONS 7403(2) (C) AND 7404(2) (A), (B), AND (C) OF THE
6 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7403 AND 333.7404.

7 (iii) SECTIONS [81(4)] AND 81A AND A MISDEMEANOR VIOLATION OF
8 SECTION 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81,
9 750.81A, AND 750.411H.

10 (6) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO LICENSE
11 REVOCATION UNDER THIS SECTION:

12 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
13 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF AN
14 ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON
15 OBTAINING NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

16 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
17 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
18 1969 PA 306, MCL 24.201 TO 24.328.

19 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, AN
20 INDIVIDUAL MAY VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER
21 LAW ENFORCEMENT OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC
22 AN AFFIDAVIT OF LICENSE RELINQUISHMENT PRESCRIBED BY THE
23 COMMISSION.

24 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
25 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
26 FROM THE ADJUDICATION OF GUILT.

27 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO

1 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
2 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
3 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
4 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
5 JUDICIAL REVIEW.

6 Sec. 9b. ~~(1) The commission shall promulgate rules that~~
7 ~~provide for the revocation of certification of a law enforcement~~
8 ~~officer for 1 or more of the following:~~

9 ~~—— (a) Conviction by a judge or jury of a felony.~~

10 ~~—— (b) Conviction by a plea of guilty to a felony.~~

11 ~~—— (c) Conviction by a plea of no contest to a felony.~~

12 ~~—— (d) Making a materially false statement or committing fraud~~
13 ~~during the application for certification process.~~

14 ~~—— (2) The rules shall provide for the suspension of a law~~
15 ~~enforcement officer from use of the law enforcement information~~
16 ~~network in the event the law enforcement officer wrongfully~~
17 ~~discloses information from the law enforcement information network.~~

18 ~~—— (3) Except as provided in subsection (4), if the commission~~
19 ~~issues a final decision or order to revoke the certification of a~~
20 ~~law enforcement officer, that decision or order is subject to~~
21 ~~judicial review as provided in the administrative procedures act of~~
22 ~~1969, 1969 PA 306, MCL 24.201 to 24.328.~~

23 ~~—— (4) A petition for judicial review of a final decision or~~
24 ~~order of the commission revoking the certification of a law~~
25 ~~enforcement officer shall be filed only in the circuit court for~~
26 ~~Ingham county.~~

27 ~~—— (5) The commission may issue a subpoena in a contested case to~~

~~1 revoke a law enforcement officer's certification. The subpoena~~
~~2 shall be issued as provided in section 73 of the administrative~~
~~3 procedures act of 1969, 1969 PA 306, MCL 24.273.~~

4 (1) THIS SECTION APPLIES ONLY TO INDIVIDUALS WHO ARE EMPLOYED
5 AS MICHIGAN TRIBAL LAW ENFORCEMENT OFFICERS IN THIS STATE AND ARE
6 SUBJECT TO A WRITTEN INSTRUMENT AUTHORIZING THEM TO ENFORCE THE
7 LAWS OF THIS STATE. CONFERRING AUTHORITY TO ENFORCE THE LAWS OF
8 THIS STATE TO LAW ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES
9 IS SUBJECT TO THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS
10 SECTION.

11 (2) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING
12 STANDARDS AND PROCEDURES, PERTAINING TO THE FOLLOWING:

13 (A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER
14 OF THE FOLLOWING:

15 (i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE
16 REQUIREMENTS, AND INSTRUCTIONAL HOURS AT AN AGENCY BASIC LAW
17 ENFORCEMENT TRAINING ACADEMY, A PRESERVICE COLLEGE BASIC LAW
18 ENFORCEMENT TRAINING ACADEMY, OR A REGIONAL BASIC LAW ENFORCEMENT
19 TRAINING ACADEMY.

20 (ii) THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING
21 AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER FROM THE LICENSING
22 STANDARD SPECIFIED IN SUBPARAGRAPH (i) .

23 (B) PROFICIENCY ON A LICENSING EXAMINATION ADMINISTERED AFTER
24 COMPLIANCE WITH THE LICENSING STANDARD SPECIFIED IN SUBDIVISION

25 (A) .

26 (C) PHYSICAL ABILITY.

27 (D) PSYCHOLOGICAL FITNESS.

1 (E) EDUCATION.

2 (F) READING AND WRITING PROFICIENCY.

3 (G) MINIMUM AGE.

4 (H) WHETHER OR NOT A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE
5 IS REQUIRED FOR LICENSURE.

6 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
7 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
8 EXECUTED BY THE INDIVIDUAL FOR WHOM LICENSURE IS SOUGHT.

9 (J) WHETHER OR NOT UNITED STATES CITIZENSHIP IS REQUIRED FOR
10 LICENSURE.

11 (K) EMPLOYMENT AS A MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER.

12 (l) THE FORM AND MANNER FOR EXECUTION OF A WRITTEN INSTRUMENT
13 CONFERRING AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE LAWS OF
14 THIS STATE, CONSISTING OF ANY OF THE FOLLOWING:

15 (i) DEPUTATION BY A SHERIFF OF THIS STATE, CONFERRING
16 AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE.

17 (ii) APPOINTMENT AS A LAW ENFORCEMENT OFFICER BY A LAW
18 ENFORCEMENT AGENCY, CONFERRING AUTHORITY UPON THE INDIVIDUAL TO
19 ENFORCE THE LAWS OF THIS STATE.

20 (iii) EXECUTION OF A WRITTEN AGREEMENT BETWEEN THE MICHIGAN
21 TRIBAL LAW ENFORCEMENT AGENCY WITH WHOM THE INDIVIDUAL IS EMPLOYED
22 AND A LAW ENFORCEMENT AGENCY, CONFERRING AUTHORITY UPON THE
23 INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE.

24 (iv) EXECUTION OF A WRITTEN AGREEMENT BETWEEN THIS STATE, OR A
25 SUBDIVISION OF THIS STATE, AND THE UNITED STATES, CONFERRING
26 AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE.

27 (3) THE LICENSURE PROCESS UNDER THIS SECTION SHALL COMPLY WITH

1 THE FOLLOWING PROCEDURES:

2 (A) A LAW ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY
3 CONFERRING AUTHORITY UPON A MICHIGAN TRIBAL LAW ENFORCEMENT OFFICER
4 AS PROVIDED IN THIS SECTION SHALL CONFER THE AUTHORITY TO ENFORCE
5 THE LAWS OF THIS STATE BY EXECUTING A WRITTEN INSTRUMENT AS
6 PROVIDED IN THIS SECTION.

7 (B) BEFORE EXECUTING THE WRITTEN INSTRUMENT, A LAW ENFORCEMENT
8 AGENCY OR OTHER GOVERNMENTAL AGENCY SHALL VERIFY THAT THE
9 INDIVIDUAL COMPLIES WITH THE LICENSING STANDARDS.

10 (C) NOT MORE THAN 10 CALENDAR DAYS AFTER THE EFFECTIVE DATE OF
11 THE WRITTEN INSTRUMENT, THE LAW ENFORCEMENT AGENCY OR OTHER
12 GOVERNMENTAL AGENCY EXECUTING THE WRITTEN INSTRUMENT SHALL ATTEST
13 IN WRITING TO THE COMMISSION THAT THE INDIVIDUAL TO WHOM THE
14 AUTHORITY WAS CONFERRED SATISFIES THE LICENSING STANDARDS, BY
15 SUBMITTING AN EXECUTED AFFIDAVIT AND A COPY OF THE WRITTEN
16 INSTRUMENT.

17 (4) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND THE WRITTEN
18 INSTRUMENT, THE COMMISSION DETERMINES THAT THE INDIVIDUAL COMPLIES
19 WITH THE LICENSING STANDARDS, THE COMMISSION SHALL GRANT THE
20 INDIVIDUAL A LICENSE.

21 (5) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND THE WRITTEN
22 INSTRUMENT, THE COMMISSION DETERMINES THAT THE INDIVIDUAL DOES NOT
23 COMPLY WITH THE LICENSING STANDARDS, THE COMMISSION MAY DO ANY OF
24 THE FOLLOWING:

25 (A) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
26 AFFIDAVIT AND OATH OF OFFICE.

27 (B) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE

1 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED
2 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

3 (C) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
4 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE
5 LICENSING STANDARDS.

6 (D) DENY THE ISSUANCE OF A LICENSE AND INFORM THE LAW
7 ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY CONFERRING
8 AUTHORITY TO ENFORCE THE LAWS OF THIS STATE UPON AN INDIVIDUAL TO
9 WHOM THIS SECTION APPLIES.

10 (6) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
11 ISSUANCE OF A LICENSE, A LAW ENFORCEMENT AGENCY OR OTHER
12 GOVERNMENTAL AGENCY CONFERRING AUTHORITY TO ENFORCE THE LAWS OF
13 THIS STATE UPON AN INDIVIDUAL TO WHOM THIS SECTION APPLIES SHALL
14 PROMPTLY INFORM THE INDIVIDUAL DENIED.

15 (7) AN INDIVIDUAL DENIED A LICENSE UNDER THIS SECTION SHALL
16 NOT EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN A WRITTEN
17 INSTRUMENT CONFERRING AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE
18 LAWS OF THIS STATE. THIS SUBSECTION DOES NOT DIVEST THE INDIVIDUAL
19 OF THAT AUTHORITY UNTIL THE INDIVIDUAL HAS BEEN INFORMED THAT HIS
20 OR HER LICENSE WAS DENIED.

21 (8) A WRITTEN INSTRUMENT CONFERRING AUTHORITY TO ENFORCE THE
22 LAWS OF THIS STATE UPON AN INDIVIDUAL TO WHOM THIS SECTION APPLIES
23 SHALL INCLUDE THE FOLLOWING:

24 (A) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
25 ENFORCEMENT AGENCY REPORT TO THE COMMISSION ALL PERSONNEL
26 TRANSACTIONS AFFECTING EMPLOYMENT STATUS IN A MANNER PRESCRIBED IN
27 RULES PROMULGATED BY THE COMMISSION.

1 (B) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
2 ENFORCEMENT AGENCY REPORT TO THE COMMISSION CONCERNING ANY ACTION
3 IT TAKES THAT REMOVES THE AUTHORITY CONFERRED BY THE WRITTEN
4 INSTRUMENT CONFERRING AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE
5 LAWS OF THIS STATE OR THAT RESTORES THE INDIVIDUAL'S AUTHORITY TO
6 THAT CONFERRED BY THE WRITTEN INSTRUMENT, IN A MANNER PRESCRIBED IN
7 RULES PROMULGATED BY THE COMMISSION.

8 (C) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
9 ENFORCEMENT AGENCY MAINTAIN AN EMPLOYMENT HISTORY RECORD.

10 (D) A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
11 ENFORCEMENT AGENCY COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION
12 ESTABLISHING THAT THE INDIVIDUAL COMPLIES WITH THE APPLICABLE
13 LICENSING STANDARDS.

14 (9) A WRITTEN INSTRUMENT CONFERRING AUTHORITY TO ENFORCE THE
15 LAWS OF THIS STATE UPON AN INDIVIDUAL TO WHOM THIS SECTION APPLIES
16 SHALL INCLUDE A REQUIREMENT THAT THE EMPLOYING MICHIGAN TRIBAL LAW
17 ENFORCEMENT AGENCY REPORT THE FOLLOWING REGARDING AN INDIVIDUAL
18 LICENSED UNDER THIS SECTION:

19 (A) CRIMINAL CHARGES FOR OFFENSES FOR WHICH THAT INDIVIDUAL'S
20 LICENSE MAY BE REVOKED AS DESCRIBED IN THIS SECTION, UPON BEING
21 INFORMED OF SUCH CHARGES, IN A MANNER PRESCRIBED IN RULES
22 PROMULGATED BY THE COMMISSION.

23 (B) THE IMPOSITION OF A PERSONAL PROTECTION ORDER AGAINST THAT
24 INDIVIDUAL AFTER A JUDICIAL HEARING UNDER SECTION 2950 OR 2950A OF
25 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND
26 600.2950A, OR UNDER THE LAWS OF ANY OTHER JURISDICTION, UPON BEING
27 INFORMED OF THE IMPOSITION OF SUCH AN ORDER, IN A MANNER PRESCRIBED

1 IN RULES PROMULGATED BY THE COMMISSION.

2 (10) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED INACTIVE,
3 AND MAY BE REACTIVATED, AS FOLLOWS:

4 (A) A LICENSE IS RENDERED INACTIVE IF:

5 (i) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
6 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
7 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
8 THAN 1 YEAR.

9 (ii) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
10 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
11 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
12 THE WRITTEN INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE
13 LAWS OF THIS STATE FOR LESS THAN 1 YEAR.

14 (iii) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
15 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
16 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR LESS
17 THAN 2 YEARS.

18 (iv) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
19 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY
20 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE WRITTEN
21 INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS
22 STATE FOR LESS THAN 2 YEARS.

23 (B) A LAW ENFORCEMENT AGENCY OR OTHER GOVERNMENTAL AGENCY
24 CONFERRING AUTHORITY TO ENFORCE THE LAWS OF THIS STATE UPON AN
25 INDIVIDUAL TO WHOM THIS SECTION APPLIES MAY REACTIVATE A LICENSE
26 RENDERED INACTIVE BY COMPLYING WITH THE LICENSURE PROCEDURES
27 DESCRIBED IN SUBSECTION (3), EXCLUDING VERIFICATION OF AND

1 ATTESTATION TO COMPLIANCE WITH THE LICENSING STANDARDS DESCRIBED IN
2 SUBSECTION (2) (A) TO (G) .

3 (C) A LICENSE THAT HAS BEEN REACTIVATED UNDER THIS SECTION IS
4 VALID FOR ALL PURPOSES DESCRIBED IN THIS ACT.

5 (11) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED LAPSED,
6 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

7 (A) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
8 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
9 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 1 YEAR.

10 (B) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
11 OFFICER IN AGGREGATE FOR LESS THAN 2,080 HOURS, IS THEREAFTER
12 CONTINUOUSLY SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY
13 THE WRITTEN INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE
14 LAWS OF THIS STATE FOR 1 YEAR.

15 (C) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
16 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS THEREAFTER
17 CONTINUOUSLY NOT EMPLOYED AS A LAW ENFORCEMENT OFFICER FOR 2 YEARS.

18 (D) AN INDIVIDUAL, HAVING BEEN EMPLOYED AS A LAW ENFORCEMENT
19 OFFICER IN AGGREGATE FOR 2,080 HOURS OR LONGER, IS CONTINUOUSLY
20 SUBJECTED TO A REMOVAL OF THE AUTHORITY CONFERRED BY THE WRITTEN
21 INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS
22 STATE FOR 2 YEARS.

23 (12) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
24 SECTION FOR ANY OF THE FOLLOWING CIRCUMSTANCES AND SHALL PROMULGATE
25 RULES GOVERNING THESE REVOCATIONS UNDER THIS SECTION:

26 (A) THE INDIVIDUAL OBTAINED THE LICENSE BY MAKING A MATERIALLY
27 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN

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1 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
2 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
3 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
4 LICENSURE APPLICATION.

5 (B) THE INDIVIDUAL OBTAINED THE LICENSE BECAUSE ANOTHER
6 INDIVIDUAL MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR
7 COMMITTED FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A
8 LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW
9 ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
10 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

11 (C) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
12 GUILT FOR A VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF THIS
13 STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY IMPRISONMENT
14 FOR MORE THAN 1 YEAR.

15 (D) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
16 GUILT FOR VIOLATION OR ATTEMPTED VIOLATION OF 1 OR MORE OF THE
17 FOLLOWING PENAL LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION
18 SUBSTANTIALLY CORRESPONDING TO THE PENAL LAWS OF THIS STATE:

19 (i) SECTION 625(1) OR (8) OF THE MICHIGAN VEHICLE CODE, 1949
20 PA 300, MCL 257.625, IF THE INDIVIDUAL HAS A PRIOR CONVICTION, AS
21 THAT TERM IS DEFINED IN SECTION 625(25) (B) OF THE MICHIGAN VEHICLE
22 CODE, 1949 PA 300, MCL 257.625, THAT OCCURRED WITHIN 7 YEARS OF THE
23 ADJUDICATION AS DESCRIBED IN SECTION 625(9) (B) OF THE MICHIGAN
24 VEHICLE CODE, 1949 PA 300, MCL 257.625.

25 (ii) SECTIONS 7403(2) (C) AND 7404(2) (A), (B), AND (C) OF THE
26 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7403 AND 333.7404.

27 (iii) SECTIONS [81(4)] AND 81A AND A MISDEMEANOR VIOLATION OF

1 SECTION 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81,
2 750.81A, AND 750.411H.

3 (13) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO
4 LICENSE REVOCATION UNDER THIS SECTION:

5 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
6 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF AN
7 ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON
8 OBTAINING NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

9 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
10 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
11 1969 PA 306, MCL 24.201 TO 24.328.

12 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, AN
13 INDIVIDUAL MAY VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER
14 LAW ENFORCEMENT OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC
15 AN AFFIDAVIT OF LICENSE RELINQUISHMENT PRESCRIBED BY THE
16 COMMISSION.

17 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
18 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
19 FROM THE ADJUDICATION OF GUILT.

20 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
21 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
22 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
23 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
24 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
25 JUDICIAL REVIEW.

26 (14) AN INDIVIDUAL LICENSED UNDER THIS SECTION SHALL NOT
27 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN A WRITTEN

1 INSTRUMENT CONFERRING AUTHORITY UPON THE INDIVIDUAL TO ENFORCE THE
2 LAWS OF THIS STATE IF ANY OF THE FOLLOWING OCCUR:

3 (A) THE INDIVIDUAL'S LICENSE IS RENDERED VOID BY A COURT ORDER
4 OR OTHER OPERATION OF LAW.

5 (B) THE INDIVIDUAL'S LICENSE IS REVOKED.

6 (C) THE INDIVIDUAL'S LICENSE IS RENDERED INACTIVE.

7 (D) THE INDIVIDUAL'S LICENSE IS RENDERED LAPSED.

8 Sec. 9c. ~~(1) The commission may investigate alleged violations~~
9 ~~of this act or rules promulgated under this act.~~

10 ~~—— (2) In conducting an investigation, the commission may hold~~
11 ~~hearings, administer oaths, issue subpoenas, and order testimony to~~
12 ~~be taken at a hearing or by deposition. A hearing held under this~~
13 ~~section shall be conducted in accordance with chapter 4 of the~~
14 ~~administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to~~
15 ~~24.287. A final decision order issued by the commission is subject~~
16 ~~to judicial review as provided by chapter 6 of the administrative~~
17 ~~procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306.~~

18 ~~—— (3) The commission may issue a subpoena to do either of the~~
19 ~~following:~~

20 ~~—— (a) Compel the attendance of a witness to testify at a hearing~~
21 ~~or deposition and give testimony.~~

22 ~~—— (b) Produce books, papers, documents, or other items.~~

23 ~~—— (4) If a subpoena issued by the commission is not obeyed, the~~
24 ~~commission may petition the circuit court to require the attendance~~
25 ~~of a witness or the production of books, papers, documents, or~~
26 ~~other items. The circuit court may issue an order requiring a~~
27 ~~person to appear and give testimony or produce books, papers,~~

~~documents, or other items. Failure to obey the order of the circuit court may be punished by the court as a contempt of court.~~

(1) THIS SECTION APPLIES ONLY TO INDIVIDUALS WHO ARE EMPLOYED AS FIRE ARSON INVESTIGATORS FROM FIRE DEPARTMENTS WITHIN VILLAGES, CITIES, TOWNSHIPS, OR COUNTIES IN THIS STATE, WHO ARE SWORN AND FULLY EMPOWERED BY THE CHIEFS OF POLICE OF THOSE VILLAGES, CITIES, TOWNSHIPS, OR COUNTIES. CONFERRING AUTHORITY TO ENFORCE THE LAWS OF THIS STATE TO LAW ENFORCEMENT OFFICERS TO WHOM THIS SECTION APPLIES IS SUBJECT TO THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS SECTION.

(2) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING STANDARDS AND PROCEDURES, PERTAINING TO THE FOLLOWING:

(A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER OF THE FOLLOWING:

(i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE REQUIREMENTS, AND INSTRUCTIONAL HOURS AT AN AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMY, A PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING ACADEMY, OR A REGIONAL BASIC LAW ENFORCEMENT TRAINING ACADEMY.

(ii) THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER FROM THE LICENSING STANDARD SPECIFIED IN SUBPARAGRAPH (i) .

(B) PROFICIENCY ON A LICENSING EXAMINATION ADMINISTERED AFTER COMPLIANCE WITH THE LICENSING STANDARD SPECIFIED IN SUBDIVISION

(A) .

(C) PHYSICAL ABILITY.

(D) PSYCHOLOGICAL FITNESS.

1 (E) EDUCATION.

2 (F) READING AND WRITING PROFICIENCY.

3 (G) MINIMUM AGE.

4 (H) WHETHER OR NOT A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE
5 IS REQUIRED FOR LICENSURE.

6 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
7 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
8 EXECUTED BY THE INDIVIDUAL FOR WHOM LICENSURE IS SOUGHT.

9 (J) WHETHER OR NOT UNITED STATES CITIZENSHIP IS REQUIRED FOR
10 LICENSURE.

11 (K) EMPLOYMENT AS A FIRE ARSON INVESTIGATOR FROM A FIRE
12 DEPARTMENT WITHIN A VILLAGE, CITY, TOWNSHIP, OR COUNTY IN THIS
13 STATE, WHO IS SWORN AND FULLY EMPOWERED BY THE CHIEF OF POLICE OF
14 THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY.

15 (L) THE FORM AND MANNER FOR EXECUTION OF A WRITTEN OATH OF
16 OFFICE BY THE CHIEF OF POLICE OF A VILLAGE, CITY, TOWNSHIP, OR
17 COUNTY LAW ENFORCEMENT AGENCY, AND THE CONTENT OF THE WRITTEN OATH
18 CONFERRING AUTHORITY TO ENFORCE THE LAWS OF THIS STATE.

19 (3) THE LICENSURE PROCESS UNDER THIS SECTION SHALL COMPLY WITH
20 THE FOLLOWING PROCEDURES:

21 (A) BEFORE EXECUTING THE OATH OF OFFICE, THE CHIEF OF POLICE
22 SHALL VERIFY THAT THE INDIVIDUAL TO WHOM THE OATH IS TO BE
23 ADMINISTERED COMPLIES WITH THE LICENSING STANDARDS.

24 (B) THE CHIEF OF POLICE SHALL EXECUTE AN OATH OF OFFICE
25 AUTHORIZING THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS STATE.

26 (C) NOT MORE THAN 10 CALENDAR DAYS AFTER EXECUTING THE OATH OF
27 OFFICE, THE CHIEF OF POLICE SHALL ATTEST IN WRITING TO THE

1 COMMISSION THAT THE INDIVIDUAL TO WHOM THE OATH WAS ADMINISTERED
2 SATISFIES THE LICENSING STANDARDS BY SUBMITTING AN EXECUTED
3 AFFIDAVIT AND A COPY OF THE EXECUTED OATH OF OFFICE.

4 (4) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
5 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE INDIVIDUAL
6 COMPLIES WITH THE LICENSING STANDARDS, THE COMMISSION SHALL GRANT
7 THE INDIVIDUAL A LICENSE.

8 (5) IF, UPON REVIEWING THE EXECUTED AFFIDAVIT AND EXECUTED
9 OATH OF OFFICE, THE COMMISSION DETERMINES THAT THE INDIVIDUAL DOES
10 NOT COMPLY WITH THE LICENSING STANDARDS, THE COMMISSION MAY DO ANY
11 OF THE FOLLOWING:

12 (A) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
13 AFFIDAVIT AND OATH OF OFFICE.

14 (B) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
15 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED
16 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

17 (C) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
18 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE
19 LICENSING STANDARDS.

20 (D) DENY THE ISSUANCE OF A LICENSE AND INFORM THE CHIEF OF
21 POLICE.

22 (6) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
23 ISSUANCE OF A LICENSE, THE CHIEF OF POLICE SHALL PROMPTLY INFORM
24 THE INDIVIDUAL WHOSE LICENSURE WAS DENIED.

25 (7) AN INDIVIDUAL DENIED A LICENSE UNDER THIS SECTION SHALL
26 NOT EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE OATH OF
27 OFFICE. THIS SUBSECTION DOES NOT DIVEST THE INDIVIDUAL OF THAT

1 AUTHORITY UNTIL THE INDIVIDUAL HAS BEEN INFORMED THAT HIS OR HER
2 LICENSE WAS DENIED.

3 (8) A CHIEF OF POLICE THAT HAS ADMINISTERED AN OATH OF OFFICE
4 TO AN INDIVIDUAL UNDER THIS SECTION SHALL DO ALL OF THE FOLLOWING,
5 WITH RESPECT TO THAT INDIVIDUAL:

6 (A) REPORT TO THE COMMISSION ALL PERSONNEL TRANSACTIONS
7 AFFECTING EMPLOYMENT STATUS IN A MANNER PRESCRIBED IN RULES
8 PROMULGATED BY THE COMMISSION.

9 (B) REPORT TO THE COMMISSION CONCERNING ANY ACTION TAKEN BY
10 THE CHIEF OF POLICE THAT REMOVES THE AUTHORITY CONFERRED BY THE
11 OATH OF OFFICE, OR THAT RESTORES THE INDIVIDUAL'S AUTHORITY TO THAT
12 CONFERRED BY THE OATH OF OFFICE, IN A MANNER PRESCRIBED IN RULES
13 PROMULGATED BY THE COMMISSION.

14 (C) MAINTAIN AN EMPLOYMENT HISTORY RECORD.

15 (D) COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION ESTABLISHING
16 THAT THE INDIVIDUAL COMPLIES WITH THE APPLICABLE LICENSING
17 STANDARDS.

18 (9) AN INDIVIDUAL LICENSED UNDER THIS SECTION SHALL REPORT ALL
19 OF THE FOLLOWING TO THE COMMISSION:

20 (A) CRIMINAL CHARGES FOR OFFENSES FOR WHICH THAT INDIVIDUAL'S
21 LICENSE MAY BE REVOKED AS DESCRIBED IN THIS SECTION, UPON BEING
22 INFORMED OF SUCH CHARGES, IN A MANNER PRESCRIBED IN RULES
23 PROMULGATED BY THE COMMISSION.

24 (B) IMPOSITION OF A PERSONAL PROTECTION ORDER AGAINST THAT
25 INDIVIDUAL AFTER A JUDICIAL HEARING UNDER SECTION 2950 OR 2950A OF
26 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND
27 600.2950A, OR UNDER THE LAWS OF ANY OTHER JURISDICTION, UPON BEING

1 INFORMED OF THE IMPOSITION OF SUCH AN ORDER, IN A MANNER PRESCRIBED
2 IN RULES PROMULGATED BY THE COMMISSION.

3 (10) A LICENSE ISSUED UNDER THIS SECTION IS RENDERED LAPSED,
4 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

5 (A) THE INDIVIDUAL IS NO LONGER EMPLOYED AS A FIRE ARSON
6 INVESTIGATOR FROM A FIRE DEPARTMENT WITHIN A VILLAGE, CITY,
7 TOWNSHIP, OR COUNTY IN THIS STATE, WHO IS SWORN AND FULLY EMPOWERED
8 BY THE CHIEF OF POLICE OF THAT VILLAGE, CITY, TOWNSHIP, OR COUNTY,
9 RENDERING THE LICENSE LAPSED.

10 (B) THE INDIVIDUAL IS SUBJECTED TO A REMOVAL OF THE AUTHORITY
11 CONFERRED BY THE OATH OF OFFICE, RENDERING THE LICENSE LAPSED.

12 (11) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
13 SECTION FOR ANY OF THE FOLLOWING CIRCUMSTANCES AND SHALL PROMULGATE
14 RULES GOVERNING THESE REVOCATIONS UNDER THIS SUBSECTION:

15 (A) THE INDIVIDUAL OBTAINED THE LICENSE BY MAKING A MATERIALLY
16 FALSE ORAL OR WRITTEN STATEMENT OR COMMITTING FRAUD IN AN
17 AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A LAW ENFORCEMENT TRAINING
18 ACADEMY, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY AT ANY STAGE
19 OF RECRUITMENT, SELECTION, APPOINTMENT, ENROLLMENT, TRAINING, OR
20 LICENSURE APPLICATION.

21 (B) THE INDIVIDUAL OBTAINED THE LICENSE BECAUSE ANOTHER
22 INDIVIDUAL MADE A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR
23 COMMITTED FRAUD IN AN AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A
24 LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW
25 ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
26 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

27 (C) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF

Senate Bill No. 92 as amended September 7, 2016

1 GUILT FOR A VIOLATION OR ATTEMPTED VIOLATION OF A PENAL LAW OF THIS
2 STATE OR ANOTHER JURISDICTION THAT IS PUNISHABLE BY IMPRISONMENT
3 FOR MORE THAN 1 YEAR.

4 (D) THE INDIVIDUAL HAS BEEN SUBJECTED TO AN ADJUDICATION OF
5 GUILT FOR VIOLATION OR ATTEMPTED VIOLATION OF 1 OR MORE OF THE
6 FOLLOWING PENAL LAWS OF THIS STATE OR LAWS OF ANOTHER JURISDICTION
7 SUBSTANTIALLY CORRESPONDING TO THE PENAL LAWS OF THIS STATE:

8 (i) SECTION 625(1) OR (8) OF THE MICHIGAN VEHICLE CODE, 1949
9 PA 300, MCL 257.625, IF THE INDIVIDUAL HAS A PRIOR CONVICTION, AS
10 THAT TERM IS DEFINED IN SECTION 625(25) (B) OF THE MICHIGAN VEHICLE
11 CODE, 1949 PA 300, MCL 257.625, THAT OCCURRED WITHIN 7 YEARS OF THE
12 ADJUDICATION AS DESCRIBED IN SECTION 625(9) (B) OF THE MICHIGAN
13 VEHICLE CODE, 1949 PA 300, MCL 257.625.

14 (ii) SECTIONS 7403(2) (C) AND 7404(2) (A), (B), AND (C) OF THE
15 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7403 AND 333.7404.

16 (iii) SECTIONS [81(4)] AND 81A AND A MISDEMEANOR VIOLATION OF
17 SECTION 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81,
18 750.81A, AND 750.411H.

19 (12) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO
20 LICENSE REVOCATION UNDER THIS SECTION:

21 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
22 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, ISSUANCE OF AN ORDER OF
23 SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE, UPON OBTAINING
24 NOTICE OF FACTS WARRANTING LICENSE REVOCATION.

25 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
26 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
27 1969 PA 306, MCL 24.201 TO 24.328.

1 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, AN
2 INDIVIDUAL MAY VOLUNTARILY AND PERMANENTLY RELINQUISH HIS OR HER
3 LAW ENFORCEMENT OFFICER LICENSE BY EXECUTING BEFORE A NOTARY PUBLIC
4 AN AFFIDAVIT OF LICENSE RELINQUISHMENT PRESCRIBED BY THE
5 COMMISSION.

6 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
7 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
8 FROM THE ADJUDICATION OF GUILT.

9 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
10 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
11 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
12 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
13 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
14 JUDICIAL REVIEW.

15 (13) AN INDIVIDUAL LICENSED UNDER THIS SECTION SHALL NOT
16 EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED IN THE OATH OF
17 OFFICE IF ANY OF THE FOLLOWING OCCUR:

18 (A) THE INDIVIDUAL'S LICENSE IS RENDERED VOID BY A COURT ORDER
19 OR OTHER OPERATION OF LAW.

20 (B) THE INDIVIDUAL'S LICENSE IS REVOKED.

21 (C) THE INDIVIDUAL'S LICENSE IS RENDERED LAPSED.

22 Sec. 9d. ~~(1) A law enforcement agency shall maintain an~~
23 ~~employment history record for each law enforcement officer employed~~
24 ~~by the law enforcement agency in the manner prescribed by the~~
25 ~~commission.~~

26 ~~— (2) A law enforcement agency shall report the date on which~~
27 ~~each person commences or terminates employment as a law enforcement~~

~~officer for the law enforcement agency in the manner prescribed by
the commission.~~

(1) THIS SECTION APPLIES ONLY TO INDIVIDUALS WHO MEET ALL OF
THE FOLLOWING:

(A) ARE EMPLOYED AS PRIVATE COLLEGE SECURITY OFFICERS UNDER
SECTION 37 OF THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT,
1968 PA 330, MCL 338.1087.

(B) SEEK LICENSURE UNDER THIS ACT.

(C) ARE SWORN AND FULLY EMPOWERED BY A CHIEF OF POLICE OF A
VILLAGE, CITY, OR TOWNSHIP LAW ENFORCEMENT AGENCY, OR ARE DEPUTIZED
BY A COUNTY SHERIFF AS A DEPUTY SHERIFF, EXCLUDING DEPUTATION AS A
SPECIAL DEPUTY.

(2) THE AUTHORITY TO ENFORCE THE LAWS OF THIS STATE OF PRIVATE
COLLEGE SECURITY OFFICERS TO WHOM THIS SECTION APPLIES IS SUBJECT
TO THE LICENSING REQUIREMENTS AND PROCEDURES OF THIS SECTION.

(3) THE COMMISSION SHALL PROMULGATE RULES GOVERNING LICENSING
STANDARDS AND PROCEDURES, PERTAINING TO THE FOLLOWING:

(A) TRAINING REQUIREMENTS THAT MAY BE MET BY COMPLETING EITHER
OF THE FOLLOWING:

(i) PREENROLLMENT REQUIREMENTS, COURSES OF STUDY, ATTENDANCE
REQUIREMENTS, AND INSTRUCTIONAL HOURS AT AN AGENCY BASIC LAW
ENFORCEMENT TRAINING ACADEMY, A PRESERVICE COLLEGE BASIC LAW
ENFORCEMENT TRAINING ACADEMY, OR A REGIONAL BASIC LAW ENFORCEMENT
TRAINING ACADEMY.

(ii) THE RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING
AND EXPERIENCE PROGRAM FOR GRANTING A WAIVER FROM THE LICENSING
STANDARD SPECIFIED IN SUBPARAGRAPH (i).

1 (B) PROFICIENCY ON A LICENSING EXAMINATION ADMINISTERED AFTER
2 COMPLIANCE WITH THE LICENSING STANDARD SPECIFIED IN SUBDIVISION
3 (A) .

4 (C) PHYSICAL ABILITY.

5 (D) PSYCHOLOGICAL FITNESS.

6 (E) EDUCATION.

7 (F) READING AND WRITING PROFICIENCY.

8 (G) MINIMUM AGE.

9 (H) WHETHER OR NOT A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE
10 IS REQUIRED FOR LICENSURE.

11 (I) CHARACTER FITNESS, AS DETERMINED BY A BACKGROUND
12 INVESTIGATION SUPPORTED BY A WRITTEN AUTHORIZATION AND RELEASE
13 EXECUTED BY THE INDIVIDUAL FOR WHOM LICENSURE IS SOUGHT.

14 (J) WHETHER OR NOT UNITED STATES CITIZENSHIP IS REQUIRED FOR
15 LICENSURE.

16 (K) EMPLOYMENT AS A PRIVATE COLLEGE SECURITY OFFICER AS
17 DEFINED IN SECTION 37 OF THE PRIVATE SECURITY BUSINESS AND SECURITY
18 ALARM ACT, 1968 PA 330, MCL 338.1087, WHO IS SWORN AND FULLY
19 EMPOWERED BY THE CHIEF OF POLICE OF A VILLAGE, CITY, OR TOWNSHIP
20 LAW ENFORCEMENT AGENCY, OR DEPUTIZED BY A COUNTY SHERIFF AS A
21 DEPUTY SHERIFF, EXCLUDING DEPUTATION AS A SPECIAL DEPUTY.

22 (l) THE FORM AND MANNER FOR EXECUTION OF A WRITTEN OATH OF
23 OFFICE BY THE CHIEF OF POLICE OF A VILLAGE, CITY, OR TOWNSHIP LAW
24 ENFORCEMENT AGENCY, OR BY A COUNTY SHERIFF, AND THE CONTENT OF THE
25 WRITTEN OATH CONFERRING THE AUTHORITY TO ENFORCE THE GENERAL
26 CRIMINAL LAWS OF THIS STATE.

27 (4) THE LICENSURE PROCESS UNDER THIS SECTION SHALL COMPLY WITH

1 THE FOLLOWING PROCEDURES:

2 (A) BEFORE EXECUTING THE OATH OF OFFICE, THE CHIEF OF POLICE
3 OF A VILLAGE, CITY, OR TOWNSHIP LAW ENFORCEMENT AGENCY OR THE
4 COUNTY SHERIFF SHALL VERIFY THAT THE PRIVATE COLLEGE SECURITY
5 OFFICER TO WHOM THE OATH IS ADMINISTERED COMPLIES WITH THE
6 LICENSING STANDARDS.

7 (B) THE CHIEF OF POLICE OF A VILLAGE, CITY, OR TOWNSHIP LAW
8 ENFORCEMENT AGENCY OR THE COUNTY SHERIFF SHALL EXECUTE AN OATH OF
9 OFFICE AUTHORIZING THE PRIVATE COLLEGE SECURITY OFFICER TO ENFORCE
10 THE GENERAL CRIMINAL LAWS OF THIS STATE.

11 (C) NOT MORE THAN 10 CALENDAR DAYS AFTER EXECUTING THE OATH OF
12 OFFICE, THE CHIEF OF POLICE OF A VILLAGE, CITY, OR TOWNSHIP LAW
13 ENFORCEMENT AGENCY OR THE COUNTY SHERIFF SHALL ATTEST IN WRITING TO
14 THE COMMISSION THAT THE PRIVATE COLLEGE SECURITY OFFICER TO WHOM
15 THE OATH WAS ADMINISTERED SATISFIES THE LICENSING STANDARDS BY
16 SUBMITTING AN EXECUTED AFFIDAVIT AND A COPY OF THE EXECUTED OATH OF
17 OFFICE.

18 (5) IF UPON REVIEWING THE EXECUTED AFFIDAVIT AND OATH OF
19 OFFICE THE COMMISSION DETERMINES THAT THE PRIVATE COLLEGE SECURITY
20 OFFICER COMPLIES WITH THE LICENSING STANDARDS, THE COMMISSION SHALL
21 GRANT THE PRIVATE COLLEGE SECURITY OFFICER A LICENSE.

22 (6) IF UPON REVIEWING THE EXECUTED AFFIDAVIT AND OATH OF
23 OFFICE THE COMMISSION DETERMINES THAT THE PRIVATE COLLEGE SECURITY
24 OFFICER DOES NOT COMPLY WITH THE LICENSING STANDARDS, THE
25 COMMISSION MAY DO ANY OF THE FOLLOWING:

26 (A) SUPERVISE REMEDIATION OF ERRORS OR OMISSIONS IN THE
27 AFFIDAVIT OR OATH OF OFFICE.

1 (B) SUPERVISE THE REMEDIATION OF ERRORS OR OMISSIONS IN THE
2 SCREENING, PROCEDURES, EXAMINATIONS, TESTING, AND OTHER MEANS USED
3 TO VERIFY COMPLIANCE WITH THE LICENSING STANDARDS.

4 (C) SUPERVISE ADDITIONAL SCREENING, PROCEDURES, EXAMINATIONS,
5 TESTING, AND OTHER MEANS USED TO DETERMINE COMPLIANCE WITH THE
6 LICENSING STANDARDS.

7 (D) DENY THE ISSUANCE OF A LICENSE AND INFORM THE CHIEF OF
8 POLICE OF A VILLAGE, CITY, OR TOWNSHIP LAW ENFORCEMENT AGENCY OR
9 THE COUNTY SHERIFF OF THE DENIAL.

10 (7) UPON BEING INFORMED THAT THE COMMISSION HAS DENIED
11 ISSUANCE OF A LICENSE, THE CHIEF OF POLICE OF A VILLAGE, CITY, OR
12 TOWNSHIP LAW ENFORCEMENT AGENCY OR THE COUNTY SHERIFF SHALL
13 PROMPTLY INFORM THE PRIVATE COLLEGE SECURITY OFFICER SEEKING
14 LICENSURE THAT HE OR SHE HAS BEEN DENIED ISSUANCE OF A LICENSE
15 UNDER THIS SECTION.

16 (8) A PRIVATE COLLEGE SECURITY OFFICER DENIED A LICENSE UNDER
17 THIS SECTION MAY NOT EXERCISE THE LAW ENFORCEMENT AUTHORITY
18 DESCRIBED IN THE OATH OF OFFICE. THIS SUBSECTION DOES NOT DIVEST
19 THE PRIVATE COLLEGE SECURITY OFFICER OF THAT AUTHORITY UNTIL THE
20 PRIVATE COLLEGE SECURITY OFFICER HAS BEEN INFORMED THAT HIS OR HER
21 LICENSURE WAS DENIED.

22 (9) A CHIEF OF POLICE OF A VILLAGE, CITY, OR TOWNSHIP LAW
23 ENFORCEMENT AGENCY OR A COUNTY SHERIFF WHO HAS ADMINISTERED AN OATH
24 OF OFFICE TO A PRIVATE COLLEGE SECURITY OFFICER UNDER THIS SECTION
25 SHALL, WITH RESPECT TO THAT PRIVATE COLLEGE SECURITY OFFICER, DO
26 ALL OF THE FOLLOWING:

27 (A) REPORT TO THE COMMISSION CONCERNING ANY ALL PERSONNEL

1 TRANSACTIONS AFFECTING EMPLOYMENT STATUS, IN A MANNER PRESCRIBED IN
2 RULES PROMULGATED BY THE COMMISSION.

3 (B) REPORT TO THE COMMISSION CONCERNING ANY ACTION TAKEN BY
4 THE CHIEF OF POLICE OF A VILLAGE, CITY, OR TOWNSHIP LAW ENFORCEMENT
5 AGENCY OR THE COUNTY SHERIFF THAT REMOVES THE AUTHORITY CONFERRED
6 BY THE OATH OF OFFICE OR THAT RESTORES THE PRIVATE COLLEGE SECURITY
7 OFFICER'S AUTHORITY CONFERRED BY THE OATH OF OFFICE, IN A MANNER
8 PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

9 (C) MAINTAIN AN EMPLOYMENT HISTORY RECORD.

10 (D) COLLECT, VERIFY, AND MAINTAIN DOCUMENTATION ESTABLISHING
11 THAT THE PRIVATE COLLEGE SECURITY OFFICER COMPLIES WITH THE
12 APPLICABLE LICENSING STANDARDS.

13 (10) IF A PRIVATE COLLEGE OR UNIVERSITY APPOINTS AN INDIVIDUAL
14 AS A PRIVATE COLLEGE SECURITY OFFICER UNDER SECTION 37 OF THE
15 PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT, 1968 PA 330, MCL
16 338.1087, AND THE PRIVATE COLLEGE SECURITY OFFICER IS LICENSED
17 UNDER THIS SECTION, THE PRIVATE COLLEGE OR UNIVERSITY, WITH RESPECT
18 TO THE PRIVATE COLLEGE SECURITY OFFICER, SHALL DO ALL OF THE
19 FOLLOWING:

20 (A) REPORT TO THE COMMISSION ALL PERSONNEL TRANSACTIONS
21 AFFECTING EMPLOYMENT STATUS IN A MANNER PRESCRIBED IN RULES
22 PROMULGATED BY THE COMMISSION.

23 (B) REPORT TO THE CHIEF OF POLICE OF A VILLAGE, CITY, OR
24 TOWNSHIP LAW ENFORCEMENT AGENCY OR THE COUNTY SHERIFF WHO
25 ADMINISTERED THE OATH OF OFFICE TO THAT PRIVATE COLLEGE SECURITY
26 OFFICER ALL PERSONNEL TRANSACTIONS AFFECTING EMPLOYMENT STATUS, IN
27 A MANNER PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

1 (11) A PRIVATE COLLEGE SECURITY OFFICER LICENSED UNDER THIS
2 SECTION SHALL REPORT ALL OF THE FOLLOWING TO THE COMMISSION:

3 (A) CRIMINAL CHARGES FOR OFFENSES FOR WHICH THE PRIVATE
4 COLLEGE SECURITY OFFICER'S LICENSE MAY BE REVOKED AS DESCRIBED IN
5 THIS SECTION UPON BEING INFORMED OF SUCH CHARGES AND IN A MANNER
6 PRESCRIBED IN RULES PROMULGATED BY THE COMMISSION.

7 (B) THE IMPOSITION OF A PERSONAL PROTECTION ORDER AGAINST THE
8 PRIVATE COLLEGE SECURITY OFFICER AFTER A JUDICIAL HEARING UNDER
9 SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961
10 PA 236, MCL 600.2950 AND 600.2950A, OR UNDER THE LAW OF ANY OTHER
11 JURISDICTION, UPON BEING INFORMED OF THE IMPOSITION OF SUCH AN
12 ORDER, IN A MANNER PRESCRIBED IN RULES PROMULGATED BY THE
13 COMMISSION.

14 (12) A LICENSE GRANTED UNDER THIS SECTION IS RENDERED LAPSED,
15 WITHOUT BARRING FURTHER LICENSURE UNDER THIS ACT, AS FOLLOWS:

16 (A) THE PRIVATE COLLEGE SECURITY OFFICER IS NO LONGER EMPLOYED
17 AS A PRIVATE COLLEGE SECURITY OFFICER APPOINTED UNDER SECTION 37 OF
18 THE PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT, 1968 PA 330,
19 MCL 338.1087, WHO IS SWORN AND FULLY EMPOWERED BY THE CHIEF OF
20 POLICE OF A VILLAGE, CITY, OR TOWNSHIP LAW ENFORCEMENT AGENCY, OR
21 DEPUTIZED BY A COUNTY SHERIFF AS A DEPUTY SHERIFF, EXCLUDING
22 DEPUTATION AS A SPECIAL DEPUTY, RENDERING THE LICENSE LAPSED.

23 (B) THE PRIVATE COLLEGE SECURITY OFFICER IS SUBJECTED TO A
24 REMOVAL OF THE AUTHORITY CONFERRED BY THE OATH OF OFFICE, RENDERING
25 THE LICENSE LAPSED.

26 (13) THE COMMISSION SHALL REVOKE A LICENSE GRANTED UNDER THIS
27 SECTION FOR ANY OF THE FOLLOWING AND SHALL PROMULGATE RULES

1 GOVERNING THESE REVOCATIONS:

2 (A) THE PRIVATE COLLEGE SECURITY OFFICER OBTAINED THE LICENSE
3 BY MAKING A MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR
4 COMMITTING FRAUD IN THE AFFIDAVIT, DISCLOSURE, OR APPLICATION TO A
5 LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION, OR A LAW
6 ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
7 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

8 (B) THE PRIVATE COLLEGE SECURITY OFFICER OBTAINED THE LICENSE
9 BECAUSE ANOTHER PERSON MADE A MATERIALLY FALSE ORAL OR WRITTEN
10 STATEMENT OR COMMITTED FRAUD IN THE AFFIDAVIT, DISCLOSURE, OR
11 APPLICATION TO A LAW ENFORCEMENT TRAINING ACADEMY, THE COMMISSION,
12 OR A LAW ENFORCEMENT AGENCY AT ANY STAGE OF RECRUITMENT, SELECTION,
13 APPOINTMENT, ENROLLMENT, TRAINING, OR LICENSURE APPLICATION.

14 (C) THE PRIVATE COLLEGE SECURITY OFFICER HAS BEEN SUBJECTED TO
15 AN ADJUDICATION OF GUILT FOR A VIOLATION OR ATTEMPTED VIOLATION OF
16 A PENAL LAW OF THIS STATE OR ANOTHER JURISDICTION THAT IS
17 PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.

18 (D) THE PRIVATE COLLEGE SECURITY OFFICER HAS BEEN SUBJECTED TO
19 AN ADJUDICATION OF GUILT FOR A VIOLATION OR ATTEMPTED VIOLATION OF
20 1 OR MORE OF THE FOLLOWING PENAL LAWS OF THIS STATE OR ANOTHER
21 JURISDICTION SUBSTANTIALLY CORRESPONDING TO THE PENAL LAWS OF THIS
22 STATE:

23 (i) SECTION 625(1) OR (8) OF THE MICHIGAN VEHICLE CODE, 1949
24 PA 300, MCL 257.625, IF THE INDIVIDUAL HAS A PRIOR CONVICTION, AS
25 THAT TERM IS DEFINED IN SECTION 625(25) (B) OF THE MICHIGAN VEHICLE
26 CODE, 1949 PA 300, MCL 257.625, THAT OCCURRED WITHIN 7 YEARS OF THE
27 ADJUDICATION AS DESCRIBED IN SECTION 625(9) (B) OF THE MICHIGAN

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1 VEHICLE CODE, 1949 PA 300, MCL 257.625.

2 (ii) SECTIONS 7403(2)(C) AND 7404(2)(A), (B), AND (C) OF THE
3 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7403 AND 333.7404.

4 (iii) SECTIONS [81(4)] AND 81A AND A MISDEMEANOR VIOLATION OF
5 SECTION 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81,
6 750.81A, AND 750.411H.

7 (14) THE FOLLOWING PROCEDURES AND REQUIREMENTS APPLY TO
8 LICENSE REVOCATION UNDER THIS SECTION:

9 (A) THE COMMISSION SHALL INITIATE LICENSE REVOCATION
10 PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, THE ISSUANCE OF AN
11 ORDER FOR SUMMARY SUSPENSION AND NOTICE OF INTENT TO REVOKE A
12 LICENSE UPON OBTAINING NOTICE OF FACTS WARRANTING LICENSE
13 REVOCATION.

14 (B) A HEARING FOR LICENSE REVOCATION SHALL BE CONDUCTED AS A
15 CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
16 1969 PA 306, MCL 24.201 TO 24.328.

17 (C) IN LIEU OF PARTICIPATING IN A CONTESTED CASE, A PRIVATE
18 SECURITY COLLEGE OFFICER MAY VOLUNTARILY AND PERMANENTLY RELINQUISH
19 HIS OR HER LAW ENFORCEMENT OFFICER LICENSE UNDER THIS SECTION BY
20 EXECUTING BEFORE A NOTARY PUBLIC AN AFFIDAVIT OF LICENSE
21 RELINQUISHMENT AS PRESCRIBED BY THE COMMISSION.

22 (D) THE COMMISSION NEED NOT DELAY OR ABATE LICENSE REVOCATION
23 PROCEEDINGS BASED ON AN ADJUDICATION OF GUILT IF AN APPEAL IS TAKEN
24 FROM THE ADJUDICATION OF GUILT.

25 (E) IF THE COMMISSION ISSUES A FINAL DECISION OR ORDER TO
26 REVOKE A LICENSE, THAT DECISION OR ORDER IS SUBJECT TO JUDICIAL
27 REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT OF 1969,

1 1969 PA 306, MCL 24.201 TO 24.328. A SUMMARY SUSPENSION DESCRIBED
2 IN THIS SECTION IS NOT A FINAL DECISION OR ORDER FOR PURPOSES OF
3 JUDICIAL REVIEW.

4 (15) A PRIVATE COLLEGE SECURITY OFFICER LICENSED UNDER THIS
5 SECTION SHALL NOT EXERCISE THE LAW ENFORCEMENT AUTHORITY DESCRIBED
6 IN THE OATH OF OFFICE HE OR SHE EXECUTED IF ANY OF THE FOLLOWING
7 OCCUR:

8 (A) THE PRIVATE COLLEGE SECURITY OFFICER'S LICENSE IS RENDERED
9 VOID BY A COURT ORDER OR OTHER OPERATION OF LAW.

10 (B) THE PRIVATE COLLEGE SECURITY OFFICER'S LICENSE IS REVOKED.

11 (C) THE PRIVATE COLLEGE SECURITY OFFICER'S LICENSE IS RENDERED
12 LAPSED.

13 Sec. 10. ~~(1) The commission may enter into agreements with~~
14 ~~public or private colleges, universities, or other agencies to~~
15 ~~carry out the intent of this act.~~

16 ~~— (2) The commission may impose a reasonable fee for performing~~
17 ~~any service identified in sections 37 to 42 of the private security~~
18 ~~business and security alarm act, 1968 PA 330, MCL 338.1087 to~~
19 ~~338.1092, which shall be payable by the private college or~~
20 ~~university in connection with which the duties are performed. No~~
21 ~~fee shall exceed the commission's actual cost incurred in~~
22 ~~performing agreed-upon duties.~~

23 (1) THE COMMISSION MAY INVESTIGATE ALLEGED VIOLATIONS OF THIS
24 ACT OR RULES PROMULGATED UNDER THIS ACT.

25 (2) IN CONDUCTING AN INVESTIGATION, THE COMMISSION MAY HOLD
26 HEARINGS, ADMINISTER OATHS, ISSUE SUBPOENAS, AND ORDER TESTIMONY TO
27 BE TAKEN AT A HEARING OR BY DEPOSITION. A HEARING HELD UNDER THIS

SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH CHAPTER 4 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.271 TO 24.287. A FINAL DECISION OR ORDER ISSUED BY THE COMMISSION IS SUBJECT TO JUDICIAL REVIEW AS PROVIDED IN CHAPTER 6 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.301 TO 24.306. A PETITION FOR JUDICIAL REVIEW OF A FINAL DECISION OR ORDER OF THE COMMISSION SHALL BE ADJUDICATED ONLY IN THE COURT OF CLAIMS.

(3) THE COMMISSION MAY ISSUE A SUBPOENA TO DO EITHER OF THE FOLLOWING:

(A) COMPEL THE ATTENDANCE OF A WITNESS TO TESTIFY AT A HEARING OR DEPOSITION AND GIVE TESTIMONY.

(B) PRODUCE BOOKS, PAPERS, DOCUMENTS, OR OTHER ITEMS.

(4) IF A SUBPOENA ISSUED BY THE COMMISSION IS NOT OBEYED, THE COMMISSION MAY PETITION THE COURT OF CLAIMS TO REQUIRE THE ATTENDANCE OF A WITNESS OR THE PRODUCTION OF BOOKS, PAPERS, DOCUMENTS, OR OTHER ITEMS. THE COURT OF CLAIMS MAY ISSUE AN ORDER REQUIRING AN INDIVIDUAL TO APPEAR AND GIVE TESTIMONY OR PRODUCE BOOKS, PAPERS, DOCUMENTS, OR OTHER ITEMS. FAILURE TO OBEY AN ORDER OF THE COURT OF CLAIMS MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(5) THE COMMISSION HAS STANDING TO COMMENCE AN ACTION IN THE COURT OF CLAIMS TO COMPEL COMPLIANCE WITH THIS ACT OR 1982 PA 302, MCL 18.421 TO 18.429, OR AN ADMINISTRATIVE RULE PROMULGATED UNDER THIS ACT OR 1982 PA 302, MCL 18.421 TO 18.429.

Sec. 11. (1) The commission may do ~~all~~ **1 OR MORE** of the following:

~~(a) Visit and inspect a police training school, or examine the~~

~~curriculum or training procedures of a police training school, for which application for approval of the school has been made.~~

~~—— (b) Issue certificates of approval to police training schools.~~

~~—— (c) Authorize the issuance of certificates of graduation or diplomas by approved police training schools to law enforcement officers who have satisfactorily completed minimum courses of study.~~

~~—— (d) Cooperate with state, federal, and local police agencies to establish and conduct local or area schools, or regional training centers for instruction and training of law enforcement officers of this state and of cities, counties, townships, and villages.~~

~~—— (e) Make recommendations to the legislature on matters pertaining to qualification and training of law enforcement officers.~~

~~—— (f) Establish preservice basic training programs at colleges and universities.~~

~~—— (g) Require an examination for law enforcement officer certification under section 9a(1).~~

~~—— (h) Issue a waiver as provided for under section 9(7), or 9(3)(c), or 9(3)(h).~~

~~—— (i) Establish and charge a fee to recover the cost of testing and training individuals who are not employed by a Michigan law enforcement agency.~~

~~—— (j) Establish and charge a fee to recover the cost of issuing and reissuing certificates for individuals who are certified as law enforcement officers in this state.~~

~~1 (2) Fees charged under subsection (1)(i) and (j) shall be~~
~~2 deposited in the law enforcement officer training fund created in~~
~~3 section 13.~~

4 (A) ENTER INTO AGREEMENTS WITH COLLEGES, UNIVERSITIES,
5 GOVERNMENTAL AGENCIES, AND PRIVATE ENTITIES TO CARRY OUT THE INTENT
6 OF THIS ACT.

7 (B) ISSUE CERTIFICATES OF APPROVAL TO AGENCY BASIC LAW
8 ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE BASIC LAW
9 ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW ENFORCEMENT
10 TRAINING ACADEMIES.

11 (C) AUTHORIZE ISSUANCE OF CERTIFICATES OF GRADUATION OR
12 DIPLOMAS BY AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMIES,
13 PRESERVICE COLLEGE BASIC LAW ENFORCEMENT TRAINING ACADEMIES, AND
14 REGIONAL BASIC LAW ENFORCEMENT TRAINING ACADEMIES TO STUDENTS WHO
15 HAVE SATISFACTORILY COMPLETED MINIMUM COURSES OF STUDY.

16 (D) COOPERATE WITH STATE, FEDERAL, AND LOCAL AGENCIES TO
17 APPROVE PROGRAMS OF IN-SERVICE INSTRUCTION AND TRAINING OF LAW
18 ENFORCEMENT OFFICERS OF THIS STATE AND OF CITIES, COUNTIES,
19 TOWNSHIPS, AND VILLAGES.

20 (E) MAKE RECOMMENDATIONS TO THE LEGISLATURE ON MATTERS
21 PERTAINING TO QUALIFICATION AND TRAINING OF LAW ENFORCEMENT
22 OFFICERS.

23 (F) REQUIRE A LICENSING EXAMINATION.

24 (G) ESTABLISH A RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT
25 TRAINING AND EXPERIENCE PROGRAM.

26 (H) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF
27 SCREENING, ENROLLING, EVALUATING, AND TESTING INDIVIDUALS WHO ARE

1 NOT EMPLOYED BY A LAW ENFORCEMENT AGENCY THAT SHALL BE DEPOSITED IN
2 THE LAW ENFORCEMENT OFFICERS TRAINING FUND CREATED IN THIS SECTION.

3 (I) ESTABLISH AND CHARGE A FEE TO RECOVER THE COST OF ISSUING
4 LICENSES TO PERSONS LICENSED UNDER THIS ACT THAT SHALL BE DEPOSITED
5 IN THE LAW ENFORCEMENT OFFICERS TRAINING FUND CREATED IN THIS
6 SECTION.

7 (2) THE COMMISSION MAY PROMULGATE RULES WITH RESPECT TO ANY OF
8 THE FOLLOWING:

9 (A) IN-SERVICE TRAINING PROGRAMS AND MINIMUM COURSES OF STUDY
10 AND ATTENDANCE REQUIREMENTS FOR LICENSED LAW ENFORCEMENT OFFICERS.

11 (B) THE ESTABLISHMENT AND APPROVAL OF AGENCY BASIC LAW
12 ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE BASIC LAW
13 ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW ENFORCEMENT
14 TRAINING ACADEMIES.

15 (C) THE MINIMUM QUALIFICATIONS FOR INSTRUCTORS FOR APPROVED
16 AGENCY BASIC LAW ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE
17 BASIC LAW ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW
18 ENFORCEMENT TRAINING ACADEMIES.

19 (D) THE MINIMUM FACILITIES AND EQUIPMENT FOR AGENCY BASIC LAW
20 ENFORCEMENT TRAINING ACADEMIES, PRESERVICE COLLEGE BASIC LAW
21 ENFORCEMENT TRAINING ACADEMIES, AND REGIONAL BASIC LAW ENFORCEMENT
22 TRAINING ACADEMIES.

23 (E) MINIMUM STANDARDS AND PROCEDURES FOR RESERVE OFFICERS.

24 (3) THE LAW ENFORCEMENT OFFICERS TRAINING FUND IS CREATED
25 WITHIN THE STATE TREASURY.

26 (4) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
27 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL

1 DIRECT INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO
2 THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

3 (5) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
4 REMAIN IN THE FUND, SHALL NOT LAPSE INTO THE GENERAL FUND, AND MAY
5 BE USED BY THE COMMISSION, UPON APPROPRIATION, IN FUTURE FISCAL
6 YEARS AS PRESCRIBED IN THIS SECTION.

7 (6) THE COMMISSION SHALL BE THE ADMINISTRATOR OF THE FUND FOR
8 AUDITING PURPOSES.

9 (7) THE COMMISSION SHALL EXPEND MONEY FROM THE FUND, UPON
10 APPROPRIATION, TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS ACT.

11 Sec. 12. The commission shall appoint an executive director of
12 the commission. The executive director shall **BE AN EMPLOYEE OF THE**
13 **COMMISSION AND SHALL** hold office at the pleasure of the commission.
14 The executive director shall perform the functions and duties that
15 are assigned to him or her by the commission. The executive
16 director shall receive compensation and reimbursement for expenses
17 ~~as provided by appropriation.~~ **FROM APPROPRIATIONS.**

18 Sec. 13. ~~(1) There is created in the state treasury a law~~
19 ~~enforcement officers training fund, from which, the legislature~~
20 ~~shall appropriate sums deemed necessary for the purposes of this~~
21 ~~act.~~ **AN INDIVIDUAL LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT**
22 **ORGANIZATION TO WHOM AN INQUIRY IS MADE CONCERNING AN INDIVIDUAL**
23 **LAW ENFORCEMENT OFFICER'S OR LAW ENFORCEMENT ORGANIZATION'S**
24 **COMPLIANCE WITH THE LICENSING STANDARDS ESTABLISHED IN THIS ACT**
25 **SHALL RESPOND TO THE INQUIRY WITHIN 45 CALENDAR DAYS.**

26 (2) **AN INDIVIDUAL LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT**
27 **ORGANIZATION RESPONDING TO AN INQUIRY CONCERNING AN INDIVIDUAL LAW**

1 ENFORCEMENT OFFICER'S OR LAW ENFORCEMENT ORGANIZATION'S COMPLIANCE
2 WITH THE LICENSING STANDARDS ESTABLISHED IN THIS ACT MAY CHARGE THE
3 INQUIRING PARTY A REASONABLE FEE TO RECOVER THE ACTUAL COST OF
4 PRODUCING INFORMATION, DOCUMENTS, AND OTHER ITEMS REQUESTED.

5 Sec. 14. ~~(1) The amounts annually appropriated by the~~
6 ~~legislature from the law enforcement officers training fund shall~~
7 ~~be paid by the state treasurer as follows:~~

8 ~~—— (a) In accordance with the accounting laws of the state upon~~
9 ~~certification of the executive director to reimburse an amount not~~
10 ~~to exceed the training costs incurred for each officer meeting the~~
11 ~~recruitment standards prescribed pursuant to this act during the~~
12 ~~period covered by the allocation, plus an amount not to exceed the~~
13 ~~necessary living expenses incurred by the officer that are~~
14 ~~necessitated by training requiring that he or she be away from his~~
15 ~~or her residence overnight.~~

16 ~~—— (b) For the maintenance and administration of law enforcement~~
17 ~~officer testing and certification provided for by this act.~~

18 ~~—— (2) If the money in the fund to be appropriated by the~~
19 ~~legislature for the training and living expenses described in~~
20 ~~subsection (1) are insufficient to allocate the amount for training~~
21 ~~and living purposes, the amount shall be reduced proportionately.~~

22 ~~—— (3) An allocation shall not be made from the fund under this~~
23 ~~section to a training agency or to a city, county, township, or~~
24 ~~village or agency of the state that has not, throughout the period~~
25 ~~covered by the allocation, adhered to the standards established by~~
26 ~~the commission as applicable to either training or to personnel~~
27 ~~recruited or trained by the training agency, city, county,~~

~~township, or village or agency of the state during that period.~~

~~—— (4) Expenditures from the fund to be appropriated by the legislature for law enforcement officer testing and certification described in subsection (1) shall not exceed the revenue generated from fees collected pursuant to section 11(1)(i) and (j).~~

(1) EXCEPT AS PROVIDED IN SUBSECTION (2), THE COMMISSION MAY USE MONEY GRANTED TO IT BY THE DEPARTMENT OF STATE POLICE FROM THE SECONDARY ROAD PATROL AND TRAINING FUND CREATED IN SECTION 629E OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.629E, FOR THE FOLLOWING:

(A) TO REIMBURSE LAW ENFORCEMENT AGENCIES FOR THE REASONABLE COSTS THE AGENCIES INCUR IN PROVIDING EDUCATION TO THEIR EMPLOYEES WHO ARE ENROLLED IN LAW ENFORCEMENT TRAINING ACADEMIES FOR THE PURPOSE OF BEING EMPLOYED BY THE AGENCIES AS LAW ENFORCEMENT OFFICERS LICENSED UNDER THIS ACT.

(B) FOR FISCAL YEARS 2016 AND 2017 ONLY, THE COMMISSION MAY PAY THE REASONABLE EXPENSES OF PERFORMING ITS STATUTORY FUNCTIONS AUTHORIZED OR REQUIRED UNDER THIS ACT.

(2) THE COMMISSION SHALL NOT BE GRANTED AND USE, WITHIN A SINGLE FISCAL YEAR, MORE THAN 5.7% OF THE SECONDARY ROAD PATROL AND TRAINING FUND CREATED IN SECTION 629E OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.629E, FOR ANY PURPOSE.

(3) LAW ENFORCEMENT AGENCIES SEEKING REIMBURSEMENT UNDER SUBSECTION (1) SHALL APPLY USING PROCEDURES AND FORMS ESTABLISHED BY THE COMMISSION.

Enacting section 1. Sections 4 and 16 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.604 and 28.616, are

1 repealed.

2 Enacting section 2. This amendatory act takes effect 90 days
3 after the date it is enacted into law.